



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MON, MARCH 24, 2008  
7:00P.M.**

### **OPENING MATTERS**

**CALL TO ORDER**

**INVOCATION:** Rev. Efrain Ortiz, St. Paul's Church of God

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendation:**

For Greek Independence Day, accepted by St Constantine and Helen Greek Orthodox Church

Honoring the Central Catholic Boys Basketball team

Honoring the Central Catholic Girls Basketball team

Honoring the Central Catholic fall sports athletes

#### **Mayoral Proclamation:**

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before*

Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

### **APPROVAL OF AGENDA AND MINUTES**

**Tab 2. AGENDA:** Council Meeting of March 24, 2008

**Tab 3. MINUTES:** Council Meeting of March 10, 2008

### **Tab 4. Consent Agenda Legislation**

**Award of Contract** – to EJB Paving for the furnishing of bituminous materials and asphalt cements for pick up/delivery for the Department of Public Works and the Reading Area Water Authority (**Purchasing**)

**Award of Contract** – authorizing the mayor to execute a contract for animal control services (Managing Director)

**Resolution** – authorizing the submission of an application for a PA DCNR Community Conservation Partnerships Program Grant to request 50% funding in the amount of \$18,000 (total project cost \$36,000) to complete a trail connection at the Angelica Creek Trail. (**Public Works Dept**)

**Resolution** – authorizing the submission of an application for a PA DCNR Community Conservation Partnerships Program Grant to request 50% funding in the amount of \$100,000 (total project cost \$200,000) for the rehabilitation of Northmont Playground. (**Public Works Dept**)

**Resolution** – requesting the installation of street lights and/or street light upgrades in the following neighborhoods:

- The alleyway between the 1600 Block of Olive Street and Hampden Boulevard
- The alleyway between the 1500 Block of North 15<sup>th</sup> Street and Hampden Boulevard
- The alleyway behind the 500 Block of North 2<sup>nd</sup> Street, between Hudson and Greenwich Streets
- In the 1700 Block of North 10<sup>th</sup> Street
- In the area between Schuylkill Avenue & North Front Street and Walnut and Buttonwood Street

### **ADMINISTRATIVE REPORTS**

#### **REPORT FROM OFFICE OF THE AUDITOR**

#### **REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS**

##### **Tab 5. ORDINANCES FOR FINAL PASSAGE**

**Pending - referred to Council Committee  
for further review and amendment**

**Bill No. 21-** amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Chief of Police-Council Staff)** *Introduced at the 02/11/08 Regular Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting*

**Bill No. 26-** an Ordinance amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff)** *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review*

**Bill No. 27-2008-** amending the Codified Ordinances of the City of Reading, Chapter 1, Part 5, Section “N” – Citizens Environmental Advisory Board, by changing the name of the Environmental Advisory Board to Environmental Advisory Council. **(Environmental Advisory Board/Council Staff) Introduced at the March 10 regular meeting**

**Pending**  
**Advertisement and Public Hearing Required by MPC**

**Ordinance-** amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs) Introduced at the March 10 regular meeting**

**Bill No. 28-2008** - authorizing a reallocation in the amount of \$5,000.00 from the City Council Salary line item to the City Council Community Promotions line item and authorizing that sum to be transferred to Baseballtown Charities **(Councilor Marmarou & Council Staff) Introduced at the March 10 regular meeting**

**Bill No. 29-2008** - Amending Chapter 21 - Streets and Sidewalks – in the City's Codified Ordinances to provide enforcement powers to Engineering Office of Public Works. **(Public Works Dept & Solicitor) Introduced at the March 10 regular meeting**

**Tab 6. INTRODUCTION OF NEW ORDINANCES**

**Ordinance** – amending Chapter 20 Part 1 Solid Waste of the City of Reading Codified Ordinances by defining the term limit of the members of the Solid Waste Board of Appeals **(Council Staff)**

**Ordinance** – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff)**

**Ordinance** – authorizing the widening of the public right of way in the 200 block of Grape Street (Planning)

Tab 7. RESOLUTIONS

**Pending renegotiation of contract terms**

**Resolution 27-2008** - authorizing the Mayor to execute an operating agreement between the City of Reading and the Redevelopment Authority, stipulating the reimbursement to the Authority, by the City, for all expenses associated with the employment of a fulltime Executive Director. **(Solicitor)** *Tabled at the 02/25/08 Regular Meeting; discussed at 3-10 Committee of the Whole meeting – additional negotiation requested*

**Award of Contract-** to retain the services of CelPlan/Wi4Net, of Reston, VA for the installation of a video safety network for the Police Department at a total submitted price of approximately \$1,486,668.76. This price includes the baseline price, various options, the expenses for years two through five, and 10 percent (10%) contingencies. **(Purchasing)**

**Resolution-** authorizing the administration to negotiate and execute a professional services agreement with Black & Veatch Corporation, of Philadelphia, for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$12,954,355 and authorizing the issuance of an Advanced Notice to Proceed to allow certain critical, time sensitive design activities to begin before a contract is executed. **(Public Works Director)** *Tabled at the March 10 regular meeting; Discussed at the 3-25 Committee of the Whole Meeting*

**Resolution** – expressing support for Senate Bill 777, which would allow local municipalities to choose how to collect their delinquent real estate taxes and enable them to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims **(Solicitor)** *Tabled at the March 10 regular meeting; Discussed at the 3-25 Committee of the Whole Meeting*

**Resolution** – naming Ryan Hottenstein as Interim Managing Director, effective March 28, 2008 **(Mayor)**

**Resolution** – appointing Dale Gresh to the Shade Tree Commission **(Administrative Oversight and Land Use Committee)**

**Resolution** – reappointing O. Christopher Miller to the Historical Architectural Review Board **(Administrative Oversight and Land Use Committee)**

**Resolution** – reappointing Laura James to the Historical Architectural Review Board  
(Administrative Oversight and Land Use Committee)

## **PUBLIC COMMENT – GENERAL MATTERS**

## **COUNCIL BUSINESS / COMMENTS**

## **COUNCIL MEETING SCHEDULE**

### **Monday, March 24<sup>th</sup>**

*Meeting with the Mayor-, Mayor's Office at 4:00 p.m.*

*Committee of the Whole - Council Office at 5:00 p.m.*

*Regular Meeting- Council Chambers at 7:00 p.m.*

### **Monday, March 31<sup>st</sup> (fifth Monday)**

*Meeting with the Mayor – Mayor's Office at 4:00 p.m.*

*City Council and Mayor NIMS – Penn Room at 5:00 p.m.*

### **Monday, April 7<sup>th</sup>**

*Meeting with the Mayor – Mayor's Office at 4:00 p.m.*

*Public Safety Committee – Council Office at 5:00 p.m.*

*Finance Committee – Council Office at 5:00 p.m.*

### **Wednesday, April 9<sup>th</sup>**

*Meeting with the Reading School Board – 6:00 p.m.*

### **Monday, April 14<sup>th</sup>**

*Meeting with the Mayor – Mayor's Office at 4:00 p.m.*

*Committee of the Whole – Council Office at 5:00 p.m.*

*Regular Meeting – Council Chambers at 7:00 p.m.*

## **BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, March 24<sup>th</sup>**

*DID Authority – Reading Eagle Conference Room 3<sup>rd</sup> Floor – 1 pm*

*BARTA – BARTA Office – 4 pm*

*Park and Recreation Advisory Council – Pendora Field House – 5:45 pm*

*Northwest Neighborhood – Wesley United Methodist – 6:30 pm*

Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm  
Charter Board – Penn Room – 8 pm

**Tuesday, March 25**

Housing Authority Workshop – WC Building – 5 pm  
Dare2Care – 15<sup>th</sup> Ward – Bethel AME Church – 5:30 pm  
Housing Authority – WC Building – 6 pm  
Human Relations Commission – Penn Room – 6 pm  
Library Area Neighborhood Assn – Unitarian Church – 6:30 pm  
District 7 Crime Watch – Holy Spirit Church – 7 pm

**Wednesday, March 26**

Parking Authority – Parking Authority Office – 6 pm  
District 6 Crime Watch – 13<sup>th</sup> & Green Elementary School – 6:30 pm  
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30  
18<sup>th</sup> & Cotton Community Crime Watch – St. Matthew's UM Church – 7 pm  
Northeast Crime Watch – Northeast Library – 7 pm  
Stadium Commission – Stadium RBI Room – 8:30 pm

**Thursday, March 27**

Water Authority – Penn Room – 5 pm

**Wednesday, April 2**

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm  
District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

**Thursday, April 3**

Police Civil Service Board – Penn Room – 1 pm  
Board of Health – Penn Room – 6 pm  
Glenside Community Council – Christ Lutheran Church – 6:30 pm  
District 3 Crime Watch – Calvary Baptist Church – 7 pm  
Legislative Aide Committee – Penn Room – 8:30 pm

**Monday, April 7**

Centre Park Artifacts Bank – 705 N. 5<sup>th</sup> Street – noon  
Shade Tree Commission – Planning Conference Room – 6 pm  
Wyomissing Park Property Owner's Assn – Member's home – 6:30 pm

**Tuesday, April 8**

Reading Regional Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

15-1 – 928 Pearl St – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

**Wednesday, April 9**

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

**Thursday, April 10**

Police Pension Board – Penn Room – 10 am

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

**Sunday, April 13**

College Heights Community Council – Albright College South Lounge – 7 pm

**Monday, April 14**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood and Playground Assn – 6<sup>th</sup> & Amity Field House – 6:30 pm

Charter Board – Penn Room – 7 pm



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## **City of Reading City Council**

### **Regular Meeting Monday, March 10, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Dr. Delishia Boykin-Wilson of the Bethel AME Church.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor S. Fuhs, District 1  
Councilor M. Goodman-Hinnershitz, District 2  
Councilor D. Sterner, District 3  
Councilor S. Marmarou, District 4  
Councilor M. Baez, District 5  
Council J. Waltman, District 6

Mayor T. McMahon  
City Solicitor C. Younger  
City Auditor D. Cituk  
City Clerk L. Kelleher  
Public Works Director C. Jones  
Human Relations Administrator K. Talbot  
Sgt. at Arms Capt. R. Shafer

#### **PROCLAMATIONS AND PRESENTATIONS**

A Mayoral proclamation was issued to The American Red Cross in honor of American Red Cross month accepted by Adrienne Grieve, Executive Director.

## **PUBLIC COMMENT**

Council President Spencer announced that four citizens were registered to address Council on agenda matters and six on non-agenda matters. He inquired if Council wished to suspend the public speaking rules to allow all citizens to address Council now. As no one objected, that portion of the public comment rules was suspended. Council President Spencer reminded the ten citizens of the remaining public comment rules.

**Mary Jane Smith**, of Perkiomen Ave., representing the Penn's Commons Neighborhood Group, asked Council to consider the City Park Master Plan and the funding of the plan separately. She explained that Council's approval of the plan will allow the Penn's Commons Group to begin fundraising activities and will allow community members and other organizations to undertake some of the project denoted in the plan. She stated that the City Park Master Plan provides a phased approach based on available funding. She noted the immediate need for pond improvements.

**Bill Vitale**, of Hill Road, noted the importance of City Park for all City and County residents. He expressed the belief that the City Park Master Plan will safeguard all elements of the City's 49 acre park. He noted that the improvement plan provides guidance for the future of the park noting that the expense to create the plan was covered by the Penn's Commons Neighborhood Group.

**Lou Masciotti**, of Perkiomen Ave., noted the importance of the park and its prime location in the center of Reading.

**Mike Lauter**, representing the Planning Commission, stated that the City's Planning Commission has reviewed and endorsed the City Park Master Plan. He noted that the adoption of the plan will safeguard the park from undesirable changes. He noted the willingness of the Penn's Commons Group to partner with the City and to fundraise to accomplish park improvements.

**Dorothy Reilly**, of Exeter, expressed the belief that the water utility should remain the responsibility of elected officials who can be held accountable. She noted the high cost of water service managed by Pennsylvania American Water compared to the City's municipal water utility.

**Ron Stouffer**, of Mt. Penn, also spoke in opposition to privatization of the City's water utility. He provided a copy of a resolution adopted unanimously by the Democratic Committee of Berks County opposing privatization of public enterprises and resources including water and treatment systems. He expressed the belief that water service provided by private companies does not

measure up to the service provided by the City. He urged Council to avoid leasing or selling this municipal service to any private company. Mr. Stouffer also provided information on healthcare reform.

**Rosie Skomitz**, of Mt. Penn, expressed the belief that the privatization of water service will have a negative impact on residents and others serviced by the City's water utility. She also expressed the belief that healthcare reform could save the City up to \$7 million per year. She expressed her belief in the plan proposed by Senator Mike O'Pake.

**Wayne Bealer**, of N. 5<sup>th</sup> St, expressed the belief that the budget crunch of 2008 is merely a repeat of budget concerns voiced in prior years. He quoted from an article appearing in March 2007 in the Reading Eagle. He expressed the belief that all City officials were well informed of the City's financial picture.

**Cecelia Zuber**, of Douglass St, supported the adoption of the City Park Master Plan. She noted her experience with the real estate market, Conrad Weiser School Board, and other applicable areas. She noted the need to have a project manager in place to oversee the improvements planned for the waste water treatment plant. She expressed the belief that the Administration has pushed Council into prior Black and Veatch contract approvals without considering requests for more information.

**Stefan Kosikowski**, of S. 17<sup>th</sup> St, expressed his belief in poverty and health insurance reform. He urged all political leaders to address the poverty issue.

### **APPROVAL OF AGENDA**

Council President Spencer called Council's attention to the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the February 25, 2008 regular meeting of Council.

**Councilor Sterner moved, seconded by Councilor Baez, to approve the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the February 25, 2008 regular meeting of Council. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Resolution** - authorizing the exoneration of outstanding City property taxes, penalties and interest for the year 2007 for 1218, 1220 & 1226 Elm Street, 214, 218A, 220, 220A, 222, 222A, 224, 226, 228, 230, 235 Locust Street and 1060 Benner's Court, Reading, Pennsylvania owned by the Reading School District (Solicitor & Council Staff).

**Resolution-** authorizing the Mayor to sign a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program agreement to receive funding, in the amount of \$25,000.00, for the Hillside Playground Renovation Project. **(Grants Coordinator/Managing Director)**

**Resolution-** requesting a traffic study to support the installation of a stop sign on N. Front Street at the Amity or Pike intersections and on Walnut Street at the N. Front Street Intersection **(Councilors Baez and Waltman)**

### ADMINISTRATIVE REPORT

Mayor McMahon highlighted the report distributed to Council at the meeting covering the following:

- Camera System
  - First phase 22 cameras and City Hall monitoring system – running by summer 2008
  - At completion a total of 75 cameras throughout the City along with movable wireless cameras at strategic points
- Cops and Kids Program supporting children's literacy – a volunteer effort supported and encouraged by Chief Heim and Chief Talbot and brought to Reading through the initiative of Council President Spencer
- Slight decrease in copper theft due to the ordinance regulating scrap metal dealers
- Implementation of the Canine Program
- Pagoda 100<sup>th</sup> anniversary celebration kick-off on April 12<sup>th</sup>
- Reading's Great American Clean up scheduled for Saturday, April 19

Councilor Sterner noted the unsavory articles about the Giannesca Development Group. Mayor McMahon explained that he has been in discussion with Giannesca about these claims.

Councilor Goodman-Hinnershitz expressed thanks to Chief Heim and the Reading Police Department for increased police presence in the 12<sup>th</sup> and Muhlenberg area.

Councilor Fuhs questioned the amount the City will contribute to the security camera project. Mayor McMahon replied that the City's contribution will total \$400,000.

Councilor Fuhs questioned the status of this project without State or Federal dollars. Mayor McMahon replied that the Administration is awaiting confirmation on the amount allocated by the State and Federal governments.

Councilor Fuhs inquired if, in light of the City's current financial difficulties, the City should be moving forward with this project.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report provided to Council at the meeting covering the following:

- The beginning of field work for the 2007 external audit
- Attending a community meeting at St. Mary's Roman Catholic Church
- A report on real estate tax assessments, exemptions, and billings from 1994 through 2007
- A report on 2007 property ownership changes
  - 60.17% of properties transferred were from Reading resident to Reading resident
  - 23.52% of properties transferred were from outside of Reading
  - 16.31% of properties transferred were from outside Pennsylvania

Councilor Sterner noted the huge impact the continued increase in exempt properties has on City finances. City Auditor Cituk noted that the number of government and school properties total ½ of all exempt properties within the City.

Mayor McMahon described the State legislators efforts to urge Governor Rendell to assist Pennsylvania's third class cities who have over 17% exempt properties. He stated this program would bring approximately \$4 million to the City.

Councilor Waltman noted the need to get a better handle on the approval of exempt properties together with the School District and the County. He requested that the Auditor provide a break out of exempt and abated properties by category.

Councilor Goodman-Hinnershitz agreed with the need for Council to take a closer look at the approval of exempt properties.

Council President Spencer noted the decrease of government properties such as fire companies and public buildings but the huge increase in the number of churches in less than traditional locations. He noted a prior discussion regarding a church receiving exempt status from the County prior to receiving zoning approval.

## DIRECTORS, BOARDS, AUTHORITIES, COMMISSIONS REPORT

Hazel Black, Commissioner, and Kim Talbot, Administrator, for the City's Human Relations Commission noted that the Commission began operating in 1968 to address civil rights issues. They described the long and successful history of the Commission. Ms. Black noted that the addition of Ms. Talbot and other experienced staff have uplifted the mission of the Commission. Ms. Talbot highlighted the report distributed to Council at the meeting covering the activities of staff and the current case loads managed by the Reading Human Relations Commission such as

- 83 equal employment opportunity cases
- 43 housing cases
- numerous outreach and educational opportunities

Councilor Sterner and Goodman-Hinnershitz congratulated Ms. Talbot for their important work to protect and educate the community.

Council President Spencer thanked the Human Relations Commission and Ms. Talbot for presenting their annual report to Council and for their work to assist Reading residents.

## ORDINANCES FOR FINAL PASSAGE

**Bill No. 13-2008** - Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. **(Managing Director)** *Introduced at the 01/28/08 Regular Meeting of Council; discussed at the 02/11/08 Committee of the Whole; tabled at the 02/11/08 Regular Meeting; further tabled at the 02/25/08 Regular Meeting.*

Mayor McMahon stated that this ordinance is being withdrawn from the agenda.

**Bill No. 18-2008** - authorizing the Mayor to execute documents to effectuate the transfer of ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street from St. Joseph Hospital to the City of Reading **(Solicitor)** *Introduced at the 02/11/08 Regular Meeting of Council; discussed at the 02/25/08 Committee of the Whole; tabled at the 02/25/08 Regular Meeting.*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 19-2008.**

Council President Spencer stated that at his request Council staff researched the prior ownership of these properties. He stressed the need for the City to obtain control of these properties.

Mayor McMahon stated that if Council approves this purchase these properties will be used for the second phase of condominiums in the 1000 block of Penn St.

Councilor Goodman-Hinnershitz congratulated the Administration for putting these properties back on the City's tax rolls.

**Bill 18-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Mayor McMahon explained the cost to purchase these properties will be covered by the Capital Improvement Program and the Redevelopment Authority.

**Bill No. 26-2008** - an Ordinance amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**)

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 26-2008.

**Bill 26-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Council President Spencer referred this Bill for Finance Committee review.

### **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** amending the Codified Ordinances of the City of Reading, Chapter 1, Part 5, Section "N" – Citizens Environmental Advisory Board, by

changing the name of the Environmental Advisory Board to Environmental Advisory Council. **(Environmental Advisory Board/Council Staff)**

**Ordinance-** amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs)**

**Ordinance** - authorizing a reallocation in the amount of \$5,000.00 from the City Council Salary line item to the City Council Community Promotions line item and authorizing that sum to be transferred to Baseballtown Charities **(Councilor Marmarou & Council Staff)**

**Ordinance** - Amending Chapter 21 - Streets and Sidewalks – in the City’s Codified Ordinances to provide enforcement powers to Engineering Office of Public Works. **(Public Works Dept & Solicitor)**

## **RESOLUTIONS**

**Resolution 28-2008** - endorsing the City Park Master Plan **(Council Staff/Mayor’s Office)** *Endorsed by the City of Reading Planning Commission at the 12/13/07 meeting; tabled pending further review at the 02/25/08 Regular Meeting of Council.*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution 28-2008.**

Councilor Goodman-Hinnershitz expressed her belief in the plan. She congratulated the Penn’s Commons Neighborhood Group for working to develop a plan that will ensure the future preservation of the park. She noted that in addition to fundraising efforts of the Penn’s Commons Group the City will need to consider undertaking some projects as they relate to public safety. She noted that City Park is a living room to residents of Reading and Berks County.

Councilor Sterner applauded the Penn’s Commons Group for working to prepare this plan.

Councilor Marmarou congratulated the Penn’s Commons Group for this tremendous undertaking. He noted his belief in the phased approach used in the plan.



Councilor Marmarou questioned the location of the old plaques dedicating the park that have been removed. He noted the need for the City to actively protect the park's assets.

Councilor Waltman thanked the Penn's Commons Neighborhood Group for working on the master plan. He expressed the belief that few cities have a 49 acre park in their downtown.

Councilor Fuhs announced that he will support the plan but expressed the belief that the City will be hard pressed to offer much financial support for the projects contained in the plan.

**Resolution 28-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 36-2008** - authorizing the administration to negotiate and execute a professional services agreement with Black & Veatch Corporation, of Philadelphia, for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$12,954,355 and authorizing the issuance of an Advanced Notice to Proceed to allow certain critical, time sensitive design activities to begin before a contract is executed. **(Public Works Director)**

**Councilor Fuhs moved, seconded by Councilor Baez, to table Resolution 36-2008.**

**Resolution 36-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Waltman, Spencer President – 5.**

**Nay: Goodman-Hinnershitz, Sterner – 2.**

**Resolution 37-2008** – appointing Joseph Kuzminski to the Reading Area Water Authority **(Administrative Oversight Committee)** *Discussed at the 2-4-08 Committee Meeting and the 2-25-08 Committee of the Whole Meeting*

**The Administrative Oversight Committee moved to adopt Resolution 37-2008.**

Councilor Marmarou noted Mr. Kuzminski's service as a City employee, City Councilor, and Mayor. He expressed the belief that Mr. Kuzminski's experience

in all these areas will be helpful to the mission of the Water Authority. He noted that Mr. Kuzminski has expressed his objection to the privatization of this utility.

Councilor Waltman noted his belief in bringing a new creative approach to the management of this water utility. He noted the need for the Water Authority to capitalize on this creativity.

Councilor Goodman-Hinnershitz expressed her belief in the need for the City and Water Authority to be in sync to provide improved water service to the community.

**Resolution 37-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 38-2008** – appointing Jonathan Del Collo to the Board of Ethics (Administrative Oversight Committee) *Discussed at the 2-4-08 Committee Meeting and the 2-25-08 Committee of the Whole Meeting*

**The Administrative Oversight Committee moved to adopt Resolution 38-2008.**

Councilor Marmarou noted Mr. Del Collo's experience as Mayor Angstadt's assistant for four years and his eight years of experience in County government.

Councilor Goodman-Hinnershitz noted the need for the members of the Board of Ethics to be neutral and objective.

**Resolution 38-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 39-2008** – expressing support for Senate Bill 777, which would allow local municipalities to choose how to collect their delinquent real estate taxes and enable them to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims (**Solicitor**)

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 39-2008.**

**Resolution 39-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

Councilor Fuhs requested a copy of the Senate Bill and noted the need for further discussion prior to further consideration.

**Resolution 40-2008** – authorized the execution of the necessary documents for an energy savings project including, but not limited to, a certain contractual agreement between Honeywell International Inc. and the City of Reading (**Public Works Dept & City Solicitor**).

**Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 40-2008.**

Council President Spencer provided background including prior discussion at work sessions and City Council meetings. Public Works Director Jones and Mr. Salmone of Honeywell International explained the energy savings project looks at various energy savings through systems improvements. The savings in energy payments will enable the repayment of the financing of the project.

Councilor Goodman-Hinnershitz noted the previous presentation at the Environmental Advisory Board.

Councilor Sterner stated that Council has received presentations and information on this project. He thanked Mr. Jones and Mr. Salmone for their work.

**Resolution 40-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 41-2008** – to adopt the City of Reading Emergency Operations Plan and requiring that this Plan be reviewed on an annual basis to make certain

that it conforms to the requirements defined by the Berks County Emergency Operations Guidelines. **(Emergency Management Coordinator & Council Staff)**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 41-2008.**

**Resolution 41-2008 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Fuhs noted the opening of Cavanaugh's Downtown Reading Hofbrau (dRh) by Drew Stopper and Pat Paulowicz.

Councilor Fuhs thanked those who commented on the privatization of the water system.

Councilor Fuhs explained that the tabling of the Black and Veatch resolution is no reflection on the work of the Public Works Department or the Public Works Director. He expressed the belief that this process has been flawed since its outset. He noted a recent conversation with one of the three national companies who qualified to bid on this project but decided not to due to Black and Veatch's participation in the drafting of the RFP. He expressed his belief that the hiring of a project manager will help to control the cost of the project.

Councilor Waltman agreed with the need for a more open process on the design of the waste water treatment plant.

Councilor Waltman also noted the need for the City, County, and School District to address exempt property applications in a fresh manner.

Councilor Goodman-Hinnershitz noted Council's repeated requests for a timeline on the waste water treatment plant project mandated by the consent decree which will inform all about the project and the requirements contained in the consent decree. She noted the Administration's promise to supply the timeline one month ago.

Councilor Goodman-Hinnershitz suggested that the City partner with area fire companies to assist with the rehabilitation of the Volunteer Fireman's Bandshell.

Councilor Goodman-Hinnershitz noted the need for the City's officials to begin dialogue with State and Federal officials to seek financial assistance for the waste water treatment plant project.

Councilor Goodman-Hinnershitz announced the upcoming District 2 community group meetings.

Councilor Sterner congratulated the work of the Red Cross. He also thanked all who assisted in the drafting of the grant application to fund Hillside Playground improvements. He noted additional funding provided by Senator Mike O'Pake.

Councilor Sterner noted his belief for the need for a project manager to oversee the waste water treatment plant project. He expressed his belief that the initial cost of the design phase was \$12 million. He stated that there should be a more open RFP process. He noted the need for the City to hire a project manager before contracting with Black and Veatch for the design process.

Councilor Baez noted concerns expressed at a Jamestown Community Group meeting about potholes and poor lighting on the Schuylkill Ave bridge.

Councilor Baez announced that the next Dare 2 Care meeting is this Thursday at the Bethel AME Church.

Councilor Fuhs noted the repeated concerns expressed by Council President Spencer throughout the waste water treatment plant project extending over the past 2-3 years. He noted that an error in the design of the plant could increase the project costs.

Council President Spencer recalled past conversations and discussions on the privatization of the water utility. He stated that he still objects to the privatization of this service. He stated that the Water Authority can be run more efficiently to make it more profitable.

Council President Spencer reminded all of his past concerns with using Black and Veatch services without the use of the bidding process. He noted that he also objected to the survey work that was done without the benefit of the bidding process. He noted that four companies were qualified to bid on the design phase; however, Black and Veatch was the only company to submit a bid. He stressed the need for a project manager to oversee the design.

Council President Spencer explained the delay in the endorsement of the City Park Master Plan. He stated that the delay gave Councilors more time to review the plan. He noted his concern with the relocation of the pond.

Mayor McMahon noted his experience with projects the size of the waste water treatment plant. He expressed his belief that the Council President is correct in questioning the process for the waste water treatment plant project. He agreed with the need to hire a project and construction manager. He promised to accelerate the RFP process to seek out a project and construction manager as this will eliminate the need to rebid the design phase. He noted the historic unwillingness of the EPA and DEP to provide any wiggle room with the timelines contained in the consent decree.

Councilor Waltman noted that the waste water treatment plant is a regional project not a local project. He added his belief that a project manager should have been brought on board at the beginning of the project not in the middle after the project has started.

Council President Spencer stated his belief that the City acted somewhat hastily when making several decisions concerning this project. He questioned if one of the three qualified firms did not bid in the design phase could be interviewed for a project manager.

Public Works Director Jones noted the need to draft an RFP for the project manager as many firms who were disqualified from the design process will be eligible for the position.

**Councilor Baez moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

---

Linda Kelleher  
City Clerk



PARTMENT

## AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** March 24, 2008  
**AGENDA MEMO DATE:** March 18, 2008  
**RECOMMENDED ACTION:** Awarding of Contract for the Furnishing Bituminous Materials for Pick-Up/Delivery for the Department of Public Works and the Reading Area Water Authority

### RECOMMENDATION

The recommendation is to award the contract for Furnishing Bituminous Materials and Asphalt Cements for Pick-up and delivery to EJB Paving and Materials Co., 1119 Snyder Road, West Lawn, PA 19609 who is the sole bidder at the unit prices submitted for an estimated total bid price of \$101,750.00, for the Department of Public Works and the Reading Area Water Authority.

### BACKGROUND

Bids for Furnishing Bituminous Materials and Asphalt Cements for the Department of Public Works and the Reading Area Water Authority were received on February 29, 2008. The total is based upon estimated usage. The actual expenditure may be greater or less than the estimate.

A copy of the Schedule of Bids is attached for your review.

### BUDGETARY IMPACT

The Department of Public Works, Reading Area Water Authority and Accounting have confirmed there are sufficient funds in budget account codes 35-07-00-4815 and 50-15-86-4406 to cover the materials.

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

Formal action by Council is required to award the contract at the March 24, 2008 meeting.

**RECOMMENDED BY**

Mayor, Managing Director, Director of Finance, Director of Public Works and Executive Director of Reading Area Water Authority and the Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation for Furnishing Bituminous Materials and Asphalt Cement in order that contract may be awarded accordingly to EJB Paving and Materials Co.

cc: File



**TO:** City Council  
**FROM:** Charles M. Jones, Director of Public Works  
**PREPARED BY:** Cynthia DeGroote, Grants Coordinator  
**MEETING DATE:** March 24, 2008  
**AGENDA MEMO DATE:** March 19, 2008  
**REQUESTED ACTION:** Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program Grant Application for the Angelica Creek Trail Project – Phase I.

**RECOMMENDATION**

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Community Conservation Partnerships Program Grant application to request fifty percent funding (\$18,000) of the total project cost (\$36,000) for the Angelica Creek Trail Project – Phase I.

**BACKGROUND**

The State Department of Conservation and Natural Resources' Community Conservation Partnerships Program (an umbrella term used for DCNR grant programs of which now includes the grant program originally known as Keystone) provide grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining partnerships within the aforementioned neighborhoods, communities, and regions. The City intends to complete a connecting pedestrian/bicycle trail link from the existing paved Schuylkill River trail near Brentwood to the existing Angelica Park trail system. The need for the proposed project has been identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan (adopted May 2002). The required fifty percent (\$18,000) local match of the total project cost (\$36,000) will be applied to through the 2008 round of Berks County Open Space and Recreation Advisory Committee Program funds.

**BUDGETARY IMPACT** None

**PREVIOUS ACTION** None

**SUBSEQUENT ACTION** None

**REVIEWED BY** Director of Public Works, Managing Director and Mayor

**RECOMMENDED MOTION** Approve/Deny the resolution to authorize the Mayor to sign and submit a Community Conservation Partnerships Program Grant application for the Angelica Creek Trail Project – Phase I.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR A PA DCNR COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM GRANT TO COMPLETE A TRAIL CONNECTION AT THE ANGELICA CREEK TRAIL.**

**WHEREAS**, the Community Conservation Partnerships Grants Program, under the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, provides grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining relationships within the aforementioned neighborhoods, communities, and regions; and

**WHEREAS**, the City of Reading desires to connect a public recreational trail, the Angelica Creek Trail, with the Schuylkill River Trail. The need for this trail connection is identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan (adopted 5/02).

**WHEREAS**, THE City of Reading is requesting fifty percent, \$18,000.00, of the total project cost, \$36,000.00, through the DCNR Community Conservation Partnerships Program Grant funds; and

**WHEREAS**, the local share of funding, \$18,000.00, will be applied to through the Berks County Open Space and Recreation Advisory Board Grant Program funding; and

**WHEREAS**, the City of Reading acknowledges the responsibility to annually budget funds for maintenance and operation of the project facilities.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING** that it agrees to comply with the requirements of the Community Conservation Partnerships Program Grant and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds to complete the connection of the Angelica Creek Trail.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_ City Clerk

**TO:** City Council  
**FROM:** Charles M. Jones, Director of Public Works  
**PREPARED BY:** Cynthia DeGroote, Grants Coordinator  
**MEETING DATE:** March 24, 2008  
**AGENDA MEMO DATE:** March 19, 2008  
**REQUESTED ACTION:** Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program Grant Application for the Northmont Playground Rehabilitation Project

**RECOMMENDATION** The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Community Conservation Partnerships Program Grant application to request fifty percent funding (\$100,000) of the total project cost (\$200,000) for the rehabilitation of Northmont Playground.

**BACKGROUND** The State Department of Conservation and Natural Resources' Community Conservation Partnerships Program (an umbrella term used for DCNR grant programs of which now includes the grant program originally known as Keystone) provide grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining partnerships within the aforementioned neighborhoods, communities, and regions. The City intends to rehabilitate Northmont Playground. The need for the rehabilitation of this site has been identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan (adopted May 2002). The required fifty percent (\$100,000) local match of the total project cost (\$200,000) will be applied to through the Community Development Block Grant Program funds.

**BUDGETARY IMPACT** None

**PREVIOUS ACTION** None

**SUBSEQUENT ACTION** None

**REVIEWED BY** Director of Public Works, Managing Director and Mayor

**RECOMMENDED MOTION** Approve/Deny the resolution to authorize the Mayor to sign and submit a Community Conservation Partnerships Program Grant application for the rehabilitation of Northmont Playground.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR A PA DCNR COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM GRANT FOR A REHABILITATION PROJECT AT THE NORTHMONT PLAYGROUND.**

**WHEREAS**, the Community Conservation Partnerships Grants Program, under the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, provides grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining relationships within the aforementioned neighborhoods, communities, and regions; and

**WHEREAS**, the City of Reading desires to rehabilitate a public recreational facility, the Northmont Playground. The need for the rehabilitation of this site is identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan (adopted 5/02).

**WHEREAS**, The City of Reading is requesting fifty percent, \$100,000.00, of the total project cost, \$200,000.00, through the DCNR Community Conservation Partnerships Program Grant funds; and

**WHEREAS**, the local share of funding, \$100,000.00, will be available through the Community Development Block Grant Program funding; and

**WHEREAS**, the City of Reading acknowledges the responsibility to annually budget funds for maintenance and operation of the project facilities.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING** that it agrees to comply with the requirements of the Community Conservation Partnerships Program Grant and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds to rehabilitate the Northmont Playground.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
City Clerk

RESOLUTION NO. \_\_\_\_\_-2008

REQUESTING THE CITY OF READING AND MET ED TO INSTALL STREET LIGHTING IN THE ALLEYWAY BETWEEN THE 1600 BLOCK OF HAMPDEN BOULEVARD AND OLIVE STREET, THE ALLEYWAY BETWEEN THE 1500 BLOCK OF NORTH 15<sup>th</sup> STREET AND HAMPDEN BOULEVARD, THE 500 BLOCK OF NORTH 2<sup>nd</sup> STREET BETWEEN HUDSON AND GREENWICH STREETS, THE 1700 BLOCK OF NORTH 10<sup>th</sup> STREET AND THE NEIGHBORHOOD BETWEEN SCHUYLKILL AVENUE & NORTH FRONT STREET AND WALNUT & BUTTONWOOD STREETS.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Requesting that the Public Works Department and Met Ed install street lighting and/or street lighting upgrades to protect the safety and improve the quality of life in the following neighborhoods:

- The alleyway between the 1600 Block of Olive Street and Hampden Boulevard
- The alleyway between the 1500 Block of North 15<sup>th</sup> Street and Hampden Boulevard
- The alleyway behind the 500 Block of North 2<sup>nd</sup> Street, between Hudson and Greenwich Streets
- In the 1700 Block of North 10<sup>th</sup> Street
- In the area between Schuylkill Avenue & North Front Street and Walnut & Buttonwood Streets

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk *Councilor Waltman, Marmarou, Baez & Police Dept*

**BILL NO. \_\_\_\_\_-2008**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 1 – SECTION 1-186, 3, G BY ADDING A NEW (3) REQUIRING COUNCIL APPROVAL FOR ALL EXPENDITURES, TRANSFERS AND ALLOCATIONS FROM AND TO ANY AND ALL AGENCY FUNDS AND ANY AND ALL LINE-ITEMS LOCATED IN THE DEPARTMENTAL: NON DEPARTMENTAL AREA OF THE GENERAL FUND.**

**THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending the Codified Ordinances of the City of Reading Chapter 1, Section 1-186, 3, G by adding a new (3) shown below:

**3. Regulations Concerning Appropriations and Transfers.**

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the Managing Director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:  
(1) Expenditure procedures.

- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between departments.
- (4) Administration of petty cash funds.

E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]

F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

G. Requiring City Council approval, via ordinance, for the following:

- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

**(3) All expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund.**

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

**ORDINANCE NO. \_\_\_\_\_-2008**

**AMENDING THE CODIFIED ORDINANCES CHAPTER 1, PART 5, SECTION "N"  
CITIZENS ENVIRONMENTAL ADVISORY BOARD, BY CHANGING THE NAME OF  
THE ENVIRONMENTAL ADVISORY BOARD TO ENVIRONMENTAL ADVISORY  
COUNCIL.**

**SECTION 1:** Part 5 Boards, Departments, Commissions, Committees and Councils, Chapter 1 Administration and Government of the City of Reading Codified Ordinances is hereby amended as follows; all other provisions of the City of Reading Codified Ordinances inconsistent herewith are repealed.

**§ 1-599.41. PURPOSE**

The ~~EAB~~ EAC dually organized under these bylaws shall have the power to study environmental and sustainability issues at the request of City Council and make recommendations to Council on those issues. The ~~EAB~~ EAC will work with City Council in an advisory capacity in an effort to help Council analyze environmental and sustainability issues and when appropriate issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Berks County.

**§ 1-599.42. MEMBERSHIP**

- 1) The ~~EAB~~ EAC is composed of seven (7) voting members, chosen to serve three year staggered terms and appointed by City Council. These members shall reflect the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.
- 2) Advisory ~~Board~~ Council members having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the board member following a second absence within a calendar year.

**§ 1-599.43. MEETINGS AND VOTING**

- 1) Monthly meetings. Regular meetings of the ~~EAB~~ EAC will be determined by the membership of the ~~EAB~~EAC. Notices of a ~~EAB~~ EAC meetings will be posted on the City of Reading website, the Municipal Access Channel and if necessary, a newspaper of general record.



- 2) Special Meetings. Special meetings may be requested by the Chair, or by a majority of the ~~EAB~~-EAC members. Such special meetings shall be held at such place, date and hour as may be designated by the person or persons authorized herein to call such a meeting.
- 3) Written or phone notice of such a special meeting shall be given by the Chair to the Advisory ~~Board~~ Council members at least five(5) days and not more than twenty-one (21) days prior to the meeting. City Council and the public shall be notified for such meetings in appropriate manner; i.e. posting the date, time and location on the City website, posting on the municipal access channel, sending a letter to City Council, etc.
- 4) Quorum. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice. A quorum shall consist of more than 2/3 of the current voting members. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the ~~Board~~ Council.
- 5) Voting. Each member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.
- 6) Notes: notes from meetings will be kept and copies of the meeting's notes will be sent to the City Clerks Office and each member of the ~~EAB~~EAC.
- 7) All meetings or portions of meetings at which action is taken shall be open to the public. However, the ~~EAB~~EAC may meet in closed session for discussion purposes, pursuant to "The Sunshine Act of 1987."

#### **§ 1-599.44. OFFICERS AND COMPENSATION**

- 1) Officers. The ~~EAB~~EAC shall elect from among their members a Chair and a Vice-Chair at the first meeting of each calendar year. Officers shall serve for one year or until their successors are elected.
- 2) Chair. The Chair shall preside at all meetings of the ~~Board~~-Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the by laws and regulations of the ~~EAB~~EAC. He/she shall be the official spokesperson for the ~~EAB~~EAC.
- 3) Vice-Chair. The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.
- 4) Secretary. The Secretary will be responsible for keeping the official minutes of the ~~EAB~~EAC and preparing all correspondence on behalf of the ~~EAB~~EAC.

- 5) Compensation. No board member shall receive any salary or payment for his/her services. Financial support of the ~~EAB~~EAC can be provided by City Council through the authorization of an appropriation to the General Fund Budget.

#### **§ 1-599.45. DUTIES**

- 1) To coordinate at the request of Council ongoing, and to propose and promote new environmental protection and sustainability initiatives among residents, businesses, governmental and non-governmental agencies, and educational organizations through education and outreach programs.
- 2) To advise and make recommendations to City Council, City Administration, and City boards, authorities and commissions on policies and programs that infuse the work of City government with an operating philosophy based on environmental protection and sustainability.
- 3) To recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the City of Reading and surrounding areas.
- 4) Make recommendations as to the possible use of open land areas within the City of Reading.
- 6) 5) To promote community environmental awareness programs.
- 6) Keep an index of all open areas, publicly or privately owned including but not limited to: flood prone areas, wetlands and other unique natural areas.
- 7) To prepare an annual report to City Council on its activities, goals and accomplishments.
- 8) For each issue that the ~~EAB~~EAC reviews, it will generate a report to City Council that sets forth its findings and dissenting opinions if any.
- 9) To consult and cooperate with other agencies, departments, boards, authorities and commissions of the City of Reading on environmental matters.

#### **§ 1-599.46. BYLAWS**

- 1) The ~~Environmental Advisory Board~~ Environmental Advisory Board Council Bylaws will be drafted and adopted by City Council.
- 2) If at any time the established bylaws are determined to be at conflict with ~~EAB~~EAC activities or impose too great a set of constraints, the ~~EAB~~EAC may request City Council amend the bylaws. The request, along with specific recommendations must

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be submitted to City Council in writing. Upon receiving a request for amendment, City Council will meet with representatives of the ~~EAB~~ EAC to discuss the request. Amendments to the ~~EAB~~EAC bylaws must be approved by City Council through Resolution.

3) City Council reserves the right to amend the bylaws of the ~~EAB~~ EAC through the adoption of subsequent Resolutions.

#### **§ 1-599.47. HEARINGS**

- 1) In addition to those required by law, the ~~EAB~~EAC may hold public hearings when the ~~EAB~~EAC and City Council decide that such hearings will be in the public interest.
- 2) Except as required by law, notice of the time and place of such hearings, when on matters of widespread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than two weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the ~~EAB~~EAC.
- 3) The matter before the ~~EAB~~EAC shall be presented in summary by some person designated by the Chair, and parties in interest shall have privilege of the floor.
- 4) No record or statement shall be recorded or sworn to by the ~~EAB~~EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.
- 5) A record shall be kept of those speaking before the ~~EAB~~ EAC at such hearings.
- 6) Copies of all testimony and other evidence provided at a Public Hearing must be forwarded to the City Clerks Office at the conclusion of the hearing.

#### **7) § 1-599.48. INTER MUNICIPAL COOPERATION**

- 1) No part of this Ordinance shall prohibit the Reading Environmental Advisory ~~Board~~ Council from cooperating with similar organizations in other jurisdictions.
- 2) In the interest of efficiency the Reading Environmental Advisory ~~Board~~ Council may wish to form a joint board with other jurisdictions. Any merger shall be treated as an amendment of this ordinance requiring the approval of City Council.

**SECTION 2: Effectiveness of Ordinance.** This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2008  
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE AND MAP BY CHANGING THE R-3 ZONING DESIGNATION TO AN R-1 ZONING DESIGNATION IN COUNCIL DISTRICT 1 TO INCLUDE PARCELS WITH THE PERSONAL IDENTIFICATION NUMBERS 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975.

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Zoning Ordinance and Map of the City of Reading is amended to by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975.

**SECTION 2.** All other provisions of the City of Reading Zoning Ordinance of the City of Reading shall remain unchanged and in full force and effect.

**SECTION 3.** Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

**(Councilor Fuhs & Council Staff)**

**BILL NO. \_\_\_\_\_**  
**AN ORDINANCE**

**AUTHORIZING A REALLOCATION IN THE AMOUNT OF \$5,000.00 FROM THE CITY COUNCIL SALARY LINE ITEM TO THE CITY COUNCIL COMMUNITY PROMOTIONS LINE ITEM AND AUTHORIZING THAT SUM TO BE TRANSFERRED TO BASEBALLTOWN CHARITIES.**

**WHEREAS**, Councilman Stratton Marmarou was elected to City Council on November 8<sup>th</sup> 2005 and took office January 2<sup>nd</sup>, 2006; and

**WHEREAS**, 53 P.S. Section 39361 prohibits a beneficiary serving in an elective office from receiving additional compensation from the entity which provides their pension; and

**WHEREAS**, City Council elects to transfer the amount budgeted for his salary to a designated project or program that supports the City of Reading and its residents.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

That the \$5,000.00 budgeted for the 2008 salary of Councilman Marmarou be transferred from City Council Salary line item to the Community Promotions line item and authorizing that sum to be transferred to Baseballtown Charities, a non-profit 501(c)(3) charitable organization founded to keep baseball alive in Reading so youngsters can benefit from the many life lessons the game teaches.

Adopted by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

BILL NO. \_\_\_\_\_-2008

AN ORDINANCE

AMENDING CHAPTER 21 STREETS AND SIDEWALKS OF  
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 21 entitled Streets and Sidewalks is amended as follows:

**Part 3 Curb, Driveway, Sidewalk and Sidewalk Vault Standards and Fees Section 313 Penalty Costs (§21-313)** shall be amended to read in its entirety as follows:

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building and curb line of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction *of a summary offense* thereof, be sentenced to pay a fine of *not less than \$100 and* not more than \$1,000 plus costs or, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days . Each day in which a violation shall occur or continue may be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder. *The City at its discretion may seek to recover any expenses it incurred to correct any violation of this Part by restitution as part of prosecution of any person, firm or corporation as a summary offense under this provision or through the commencement of the appropriate alternative legal action to recover such expenses including but not limited to filing of a lien.*

**Part 5 Sidewalks and Curb Section 501 Permit Required for Curbs and Sidewalk Work (§21-501)** shall be amended to read in its entirety as follows:

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a sidewalk, until a permit

has been obtained from the Director of the Department of Public Works *or his/her designee*. The Director *or his/her designee* is authorized and directed to establish such rules and regulations, as s/he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council.

**Part 5 Sidewalks and Curb Section 502 Permit Application (§21-502)** shall be amended to read in its entirety as follows:

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works *or his/her designee* for a permit, setting forth the location where such work is desired and the purpose thereof.

**Part 5 Sidewalks and Curb Section 505 Notice to Recurb and Relay Sidewalks (§21-505)** shall be amended to read in its entirety as follows:

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council *or* when required upon notice from the Director of Public Works *or his/her designee*.

**Part 5 Sidewalks and Curb Section 508 Duty of Owner to Construct and Repair at Own Expense (§21-508)** shall be amended as follows:

**§21-508. Duty of Owner**

- A. *Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks such property.*
- B. *Owners of property abutting on any public street shall, at their own expense keep sidewalks along such property in proper good repair in accordance with City standards and maintained free from hazardous conditions.*

**Part 5 Sidewalks and Curb Section 509 Work by City for Failure to Comply with Notice (§21-509)** shall be amended to read in its entirety as follows:

Upon failure of any owner(s) to construct, pave, curb, repave or recurb sidewalks, keep the same in good repair and maintain free



from hazardous conditions within 10 days after written notice by the Director of the Department of Public Works *or his/her designee* the work *may* be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law. *Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from undertaking enforcement of this Ordinance as provided for in Section 21-516.*

**Part 5 Sidewalks and Curb Section 510 Cost Collection by Action at Law or Filing Lien (§21-510)** shall be amended to read in its entirety as follows:

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law. *Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from seeking recover of expenses incurred c onstruct, pave, curb, repave, recurb, restore to good repair or remove hazardous condition as restitution through enforcement of this Ordinance as provided for in Section 21-516.*

**Part 5 Sidewalks and Curb Section 516 Penalty (§21-516)** shall be renamed and amended to read in its entirety as follows:

§21-516 Administrative Provisions

- A. **Regulations** - *The Director of the Department of Public Works may promulgate such regulations as are necessary for the proper administration and enforcement of this Part. The City may change, modify, repeal or amend any portion of said regulations at any time.*
- B. **Enforcement** -*The authority of enforcement of this part is under the jurisdiction of the City of Reading Department of Public Works. The Department of Public Works is hereby authorized to share enforcement of this provision with the Codes Enforcement Division as needed.*
- C. **Prosecution of Violations** - *Any person who shall violate a provision of the Ordinance, or who shall fail to comply with*

*any of the requirements thereof or any notice to correct shall, upon conviction be guilty of a of a summary offense before any District Justice. Such offense shall be one of strict liability. As part of the prosecution of such offense, the enforcing authority may seek as restitution any funds incurred by the City of Reading to correct a violation. Each day that a violation continues shall be deemed a separate offense. In addition if the notice to construct, pave, curb, repave, recurb, keep in good repair or remove hazardous conditions is not complied within the time given, the authority with enforcement power shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation. Nothing in this section shall preclude the City of Reading from charging against the property abutting the sidewalk by placement of lien thereon for any costs incurred by the City to correct such offense.*

**D. Penalties**

- 1. Any person who shall violate any provision of this Part, shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1000), plus costs or in default of payment of said fine and costs to imprisonment for a term of not to exceed ninety (90) days.*
- 2. Any person who violations any provision of §21-514 shall upon conviction, be sentenced to pay a fine of not less than Two Hundred Fifty Dollars (\$250) and not more than One Thousand Dollars (\$1000), plus costs, or in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Further, any such person shall forthwith remove or cause to be removed violation of §21-514.*

**SECTION 2:** All relevant ordinances, regulations, remaining sections of Chapter 21 Streets and Sidewalks Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

(PUBLIC WORKS AND LAW)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_



## **AGENDA MEMO**

### **CITY COUNCIL STAFF**

**TO:** Council President Spencer and City Council

**FROM:** Shelly Katzenmoyer, Deputy City Clerk

**MEETING DATE:** March 25, 2008

**AGENDA MEMO DATE:** March 10, 2008

**RECOMMENDED ACTION:**

To approve an Ordinance defining the term limit of the members of the Solid Waste Board of Appeals

**BACKGROUND:** In August 2007 Council enacted an Ordinance creating the Solid Waste Board of Appeals.

In February 2008, a member of the community applied to serve on the Solid Waste Board of Appeals. During the background phase, it was discovered that the Ordinance did not set the term limit of community members. This amendment will set the term at three years. The remainder of the Ordinance remains unchanged.

**BUDGETARY IMPACT:** None.

**RECOMMENDED BY:** City Council Staff

**RECOMMENDED MOTION:** To enact the amendment to the Codified Ordinances defining the term limit of the citizen members of the Solid Waste Board of Appeals.

**ORDINANCE NO. \_\_\_\_\_-2008**

**AN ORDINANCE AMENDING CHAPTER 20 PART 1 SOLID WASTE OF THE CITY OF READING CODIFIED ORDINANCES BY DEFINING THE TERM LIMIT OF THE MEMBERS OF THE SOLID WASTE BOARD OF APPEALS**

**THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 20 Part 2 of the City of Reading Codified Ordinances is hereby amended as follows:

§20-107 Administrative Provisions is amended to read as follows:

**1. AUTHORIZED RETRIEVAL AND RESPONSIBILITY THEREFORE**

A. ABATEMENT AND COSTS / BILLING. The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Ordinance including but not limited to items not picked up by the properties contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, provide proof thereof and the fact of their retrieval to the Manager or his/her designee City of Reading Solid Waste Division and/or Code Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefore shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein.

**B. MEANS OF APPEAL**

1. Application for Appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Ordinance as set forth above in section 20-107 (1) (A) shall have the right to appeal to the Solid Waste and Recycling Appeals Board provided that a written application for appeal is filed within twenty (20) days after issuance of the bill for collection of costs for abatement of violation of this Ordinance per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee of Twenty-Five Dollars (\$ 25.00) shall be charged for each appeal.

2. Membership of Board. The board of appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the governing body, and shall serve staggered and overlapping terms. *The term for citizen appointees shall be for a period of three years.*

2.1 Chairman. The board shall annually select one of its members to serve as chairman.

2.2 Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

2.3 Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings *will be filed* in the office of the City Clerk for the City of Reading.

2.4 Quorum. A quorum shall consist of not less than two-thirds of the board membership.

3. Notice of Meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal, or at stated periodic meetings.

4. Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.

5. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures

shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

6. Postponed Hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

7. Board Decision. The board shall modify or reverse of the City's enforcement officer only by a concurring vote of a majority of the total number of appointed board members.

7.1 Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.

7.2 Administration. The Solid Waste and Recycling Division Manager shall take immediate action in accordance with the decision of the board.

8. Court Review. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.

9. Stays of Enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Ordinance as provided for in §20-107(1) (A).

**SECTION 2:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence, or clause of this ordinance is held, for any reason to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

**BILL NO. \_\_\_\_\_ 2008  
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 27 ZONING BY PROHIBITING RENTAL USES IN AREAS ZONED R-1,  
R-1A and R-2.**

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS  
AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning  
by prohibiting rental uses in all R-1, R-1A and R-2 zoning districts.

**SECTION 2.** Requiring all existing rental properties in R-1, R-1A and R-2 zoning  
districts to register their property's pre-existing, non-conforming status before July 1,  
2008. Registering the property by the stated date will allow the property to continue its  
use. If the pre-existing, non-conforming use is not registered by the stated date, the use  
will be considered abandoned and the property must be converted to a use permitted in  
the zone within 6 months.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and  
approval by the Mayor, or re-passage by City Council over the Mayor's veto, in  
accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in  
Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

*(Councilor Marmarou & Council Staff)*



**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** March 24, 2008  
**AGENDA MEMO DATE:** March 17, 2008  
**RECOMMENDED ACTION:** Awarding of Contract for a Video Safety Network for the Police Department.

#### **RECOMMENDATION**

The recommendation is to award the contract to CelPlan/Wi4Net, 1897 Preston White Drive, Reston, VA 20191, for a total submitted price of approximately \$1,486,668.76. This price includes the baseline price, various options, the expenses for years two through five, and 10 percent (10%) contingencies.

#### **BACKGROUND**

Proposals for the video safety network were received on November 16, 2007 for the Police Department. The network, informally referred to as the surveillance camera system, encompasses approximately 22 cameras surrounding the downtown area, related hardware, and equipment for a monitoring center. The City received four proposals that included fiber network, wireless, and hybrids of the two methods. The City employed a five-member evaluation team that considered criteria including, but not limited to, overall solution, quality of partners, camera performance, security, and price. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. All five evaluators of the proposals recommend CelPlan's appointment.

#### **BUDGETARY IMPACT**

This project will be funded by the \$1,786,000 in federal funding presented to the City by Senator Specter on March 17, 2008.

#### **PREVIOUS ACTIONS**

None.

#### **SUBSEQUENT ACTION**

Formal action by Council is needed to award the contract at the March 24, 2008 meeting.

#### **RECOMMENDATION**

The recommendation is that City Council approve the recommendation of the Administration to employ CelPlan/Wi4Net for the video safety network for the Police Department.

#### **RECOMMENDED BY**

Mayor, Managing Director, Director of Finance, Police Chief and Purchasing Coordinator.

#### **RECOMMENDED MOTION**

To approve/deny Administration's recommendation that CelPlan/Wi4Net be retained for the video safety network on behalf of the City of Reading.

cc: File

**RESOLUTION NO. \_\_\_\_\_**

Whereas, the City of Reading desires that the Redevelopment Authority of the City of Reading perform certain services on its behalf; and

Whereas, the Redevelopment Authority of the City of Reading desires that the City of Reading provide certain services and benefits to it in return for its provision of services to the City of Reading;

Whereas, the City of Reading and the Redevelopment Authority of the City of Reading have determined that a certain Operating Agreement between them is in their best interests; now, therefore,

The Council of the City of Reading hereby resolves as follows:

That Mayor Thomas M. McMahon be authorized to execute the Operating Agreement between the City of Reading and the Redevelopment Authority of the City of Reading (attached as Exhibit A) on behalf of the City of Reading.

Passed Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

OPERATING AGREEMENT  
BETWEEN  
THE CITY OF READING AND  
THE REDEVELOPMENT AUTHORITY OF THE CITY OF READING

This Operating Agreement, dated as of February \_\_\_\_, 2008, between the City of Reading, a Pennsylvania municipal corporation, organized and existing under the Optional Home Rule Charter Law, having a business address of 815 Washington Street, Reading, Berks County, Pennsylvania (the “City”).

AND, the Redevelopment Authority of the City of Reading, a Pennsylvania urban redevelopment authority, organized and existing under the Pennsylvania Urban Redevelopment Act, having a business address of 815 Washington Street, Reading, Berks County, Pennsylvania (the “Authority”).

BACKGROUND

WHEREAS, the Authority has been incorporated pursuant to an ordinance of the Council of the City and is existing under provisions of Pennsylvania urban redevelopment law; and

WHEREAS, the Authority, by virtue of the Pennsylvania urban redevelopment law, has power and authority, among other things, to acquire property by gift, purchase or condemnation; to create urban redevelopment areas; to designate redevelopers in urban redevelopment areas; to enter into redevelopment contracts for the development of parcels owned by it; to assist the City with its community development projects; and to obtain financing and grants for use in conjunction with urban redevelopment projects.

WHEREAS, the City, for and in consideration of the covenants, conditions, agreements and stipulations of the Authority hereinafter expressed, desires that the Authority perform certain services on its behalf; and

WHEREAS, the Authority desires that the City provide certain services and benefits to it in return for its provision of services to the City; and

WHEREAS, the parties hereto desire to set forth the terms and conditions under which the Redevelopment Authority of the City of Reading will perform certain services and functions on behalf of the City of Reading.

NOW, THEREFORE, the Authority and the City, in consideration of the agreements, conditions and covenants herein contained, each intending to be legally bound, covenant and agree as follows:

DEFINITIONS

The terms defined in this Section 1.1 for all purposes of this agreement, as defined herein, shall have the meanings herein specified, unless the context clearly

otherwise requires:

Administrative Expenses - means any and all administrative expenses of the Authority occurred in connection with the day to day management and day to day administration of the Authority, including, without limitation, compensation and expenses of officers and staff of the Authority; printing, advertising, postage, engineering, architectural and auditing fees and expenses; fees and expenses of any authorized depository; fees and expenses of the Authority's professional advisors; and other items of general administrative expense incurred by the Authority related to operations of the Redevelopment Authority.

Board - means the governing body of the Authority.

Commonwealth - means the Commonwealth of Pennsylvania.

Debt Service Expenses - means all costs and expenses in connection with any debt of the Authority now existing or hereafter incurred in connection with the redevelopment of portions of the City including principal, interest, redemption price, paying agent expenses, and any and all other expenses incurred by the Authority, directly or indirectly, in connection with any such debt.

Fiscal Year - means the fiscal year of the Authority as provided by the laws of the Commonwealth.

Duties of the Redevelopment Authority

The Redevelopment Authority agrees and covenants to carry out community redevelopment, economic development and related activities in the City of Reading on behalf of the City of Reading.

The Redevelopment Authority covenants and agrees to acquire properties in slum or blighted areas in the City of Reading for community redevelopment on behalf of the City of Reading.

The Redevelopment Authority agrees and covenants to acquire real property in the City of Reading when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities on behalf of the City of Reading.

The Redevelopment Authority covenants and agrees to disseminate community redevelopment information to potential redevelopers of property in the City of Reading on behalf of the City.

The Redevelopment Authority agrees and covenants to assist potential redevelopers of properties in the City of Reading with the formation of their plans to redevelop portions of the City; obtaining grant funding and federal, state or county loans which may be available for said projects and navigation of the City's subdivision and land development process on behalf of the City of Reading.

The Redevelopment Authority covenants and agrees to borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government or the state, county or other public body or from any source, public or private, to carry out the above responsibilities.

#### Duties of the City of Reading

The City of Reading hereby agrees to reimburse the Redevelopment Authority for all costs associated with employment of an executive director. Reimbursements to be made by the City of Reading to the Redevelopment Authority shall include the following, but are not limited thereto:

The salary of the executive director which shall be set by the Redevelopment Authority from time to time in consultation with the City of Reading and approved by the City of Reading as part of its annual budgetary process.

An automobile and fuel for the same, as well as the provision of maintenance and insurance for said automobile, on behalf of the Redevelopment Authority's Executive Director.

The costs of the Redevelopment Authority and the Executive Director of same incurred as a result of entertaining potential redevelopers and marketing the City to them.

Medical and fringe benefits for the Executive Director of the Redevelopment Authority comparable to the same medical and fringe benefit received by the City of Reading employees.

The City of Reading will provide administrative support staff to the Executive Director of the Redevelopment Authority for the accomplishment of the Redevelopment Authority's duties as set forth herein.

The City of Reading shall pay for or reimburse the Redevelopment Authority for all administrative expenses as defined herein which are not covered or attributable to the project costs of an ongoing redevelopment project.

The City of Reading shall provide office space to the Redevelopment Authority's Executive Director within a municipally owned building or reimburse the Redevelopment Authority for the cost of said office space if the City is unable to provide the same within a municipally owned building.

The City shall provide the Redevelopment Authority Board with appropriate office space to hold its Board meetings within a municipally owned building at no cost to the Redevelopment Authority.

#### JOINT COVENANT OF THE CITY AND THE REDEVELOPMENT AUTHORITY

The City and the Redevelopment Authority covenant and agree to make their respective personnel available to one another in such a manner as may be mutually determined to be in the best interests of furthering the expeditious and effective

completion of the redevelopment goals of the City and the Authority.

#### MISCELLANEOUS

The City agrees to review the Redevelopment Authority budget for each fiscal year and to provide any recommendations it may have to the Authority, no later than the thirtieth (30th) day preceding the first day of each fiscal year.

The City shall keep accurate records with respect to the Redevelopment Authority's finances and have an audit made of the same annually, to be submitted to the Authority.

The City and the Redevelopment Authority shall perform their obligations and duties under this Agreement in a competent and businesslike manner and shall exercise due care, diligence and control in connection with the costs, fees and expenses related to such performance so that the City of Reading will receive the benefits accruing from the proper and efficient operation of the Redevelopment Authority.

The Authority shall keep on file with the City, at all times, complete and current copies of all resolutions, including amendments, supplements and/or revisions, adopted by the Authority in any manner pertaining to the redevelopment of portions of the City of Reading.

Upon termination of this Agreement, the Authority and the City, promptly, but in no event more than sixty (60) days after the date of such termination, shall make final settlement with respect to this Agreement and each shall do whatever properly and reasonably shall be necessary to effectuate and ensure an orderly transition.

If any provision hereof shall be held to be invalid, such invalidity shall not affect any other provision hereof, and the remaining provisions hereof shall be construed and shall be enforced as if such invalid provision had not been contained herein.

#### TERM

The term of this Agreement shall be for a period of ten (10) years and shall renew automatically for successive terms of ten (10) years at its expiration if neither party notifies the other of its intent to terminate this Agreement as provided for herein.

#### TERMINATION OF AGREEMENT

Either party may terminate this Agreement by providing the party of the other part with three (3) months written notice of its intention to terminate the same.

#### APPLICABLE LAW

This Agreement shall be deemed to have been made in the Commonwealth of Pennsylvania and shall be governed and construed in accordance with the laws of the Commonwealth of Pennsylvania. Any disputes hereunder shall be submitted to the Berks County Court of Common Pleas or the United States District Court for the Eastern District of Pennsylvania.

#### NOTICES

Notices, demands or requests required or permitted to be made pursuant to, under or by virtual disagreement must be in writing and mailed, postage pre-paid, by certified or registered mail, return receipt requested or delivered by Federal Express or other reputable overnight delivery service providing written evidence of delivery, or by hand-delivery addressed as follows:

If to City:                   City of Reading  
                                  c/o Managing Director  
                                  815 Washington Street  
                                  Reading, PA 19601

with a copy to:            City of Reading  
                                  c/o City Solicitor  
                                  815 Washington Street  
                                  Reading, PA 19601

If to Authority:           Redevelopment Authority of the City of Reading  
                                  c/o Executive Director  
                                  815 Washington Street  
                                  Reading, PA 19601

with a copy to:            Barley Snyder LLC  
                                  c/o Timothy G. Dietrich, Esquire  
                                  P.O. Box 942  
                                  501 Washington Street, 5th Floor  
                                  Reading, PA 19603-0942

Such notices, demands or requests shall be deemed to have been given and delivered on the earlier of the date of actual receipt thereof or (i) if delivered by Federal Express or other reputable overnight delivery service, on the business day next succeeding the date on which the same was delivered by the sender to such courier for overnight delivery, or (ii) if by United States certified mail, as of three (3) business days after the date of mailing. Either party may change the address to which such notices, demands or requests shall be mailed hereunder by written notice of such new address served on the other party in accordance with the



provisions of this Section. Notice given by legal counsel on behalf of any party shall be deemed to be given by such party.

AMENDMENTS

This Agreement may not be amended or modified except in writing executed by the parties hereto.

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding of the parties concerning the subject matter hereof and no representations, inducements, promises or agreements, oral or otherwise, not embodied herein shall be of any force or effect.

COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be regarded for all purposes as an original; and such counterparts shall constitute but one in the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF READING

By:

\_\_\_\_\_

Name:

Title:

REDEVELOPMENT AUTHORITY OF  
THE CITY OF READING

By:

\_\_\_\_\_

Name:

Title:

**TO:** City Council  
**PREPARED BY:** Charles M. Jones, P.E., Public Works Director  
**MEETING DATE:** February 25, 2008  
**AGENDA MEMO DATE:** March 24, 2008  
**REQUESTED ACTION:** To authorize the administration to enter into a professional services agreement with Black & Veatch Corporation for design and related services for the City of Reading Wastewater Treatment Plant Upgrades Project.

### **RECOMMENDATION**

Authorize the administration to negotiate and execute a professional services agreement with Black & Veatch Corporation of 601 Walnut Street, Suite 550W, Philadelphia, PA 19106 for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$12,954,355. The issuance of an Advanced Notice to Proceed is also recommended so that certain critical, time sensitive design activities can begin before a contract is executed.

### **BACKGROUND**

The Consent Decree executed among the United States of America Department of Justice, the United States Environmental Protection Agency, the Commonwealth of Pennsylvania Department of Environmental Protection, and the City of Reading describes various improvements to be completed to the wastewater treatment plant, sanitary sewer collection system, and associated systems and programs. A new wastewater treatment plant must be substantially complete by October, 2012, so that it is imperative that design activities must begin promptly.

A Request for Qualifications was issued which generated nine responses. Four firms were shortlisted and a Request for Proposals was issued for the design services. Three of the four firms withdrew from consideration for various reasons. Black & Veatch submitted the only proposal for design services. A selection committee comprised of two City employees (technical), two City employees (non-technical), and two officials from outside of the City (City of Philadelphia and Borough of State College) reviewed the technical proposal, conducted a telephone conference to discuss the technical proposal and open the price proposal, and interviewed Black & Veatch. It is the opinion of the selection committee that Black & Veatch was responsive, submitted proposals that were within the requirements listed in the Request for Proposals, and has a clear understanding of the project and the rigid timelines listed in the Consent Decree.

### **BUDGETARY IMPACT**

The proposal includes a not to exceed fee of \$12,954,355. The final fee which will appear in the contract will be somewhat less than that figure. The site surveying work has already begun under a separate contract. Certain other reductions may also be considered. Sewer Capital Funds are available for the design services relating to the Wastewater Treatment Plant Upgrades Project.

**PREVIOUS ACTION**

Council approved the Consent Decree on October 25, 2004. The Consent Decree describes the required improvements at the wastewater treatment plant.

**SUBSEQUENT ACTION**

Additional contracts for project management, value engineering, and construction management services will follow. The award of construction contracts will occur during 2009.

**REVIEWED BY**

The Mayor, Managing Director, Director of Finance, Director of Public Works, Utilities Division Manager, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny authorization for the Administration to negotiate and execute a professional services agreement with Black & Veatch Corporation for design and related services for the Wastewater Treatment Plant Upgrades Project at a maximum not to exceed fee of \$12,954,355. Approve/Deny authorization for the issuance of an Advanced Notice to Proceed so that critical, time-sensitive, design activities may begin prior to contract negotiation, preparation, and execution.

**RESOLUTION NO. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:-

The Mayor is authorized to negotiate and execute a contract with Black & Veatch Corporation, for the design and related services for the City of Reading Wastewater Treatment Plant Upgrade Project, at a maximum not to exceed fee of \$12,954,355.00.

The Administration is authorized to issue an Advance Notice to Proceed to Black & Veatch Corporation to allow work to begin while the final contract is being negotiated.

ADOPTED BY COUNCIL \_\_\_\_\_ 2008

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK

RESOLUTION NO. \_\_\_\_\_ - 2008

EXPRESSION OF SUPPORT FOR SENATE BILL 777,  
AMENDING THE MUNICIPAL CLAIMS AND TAX LIENS LAW

WHEREAS, to be fair to all taxpayers within this city, it is necessary for the City of Reading to pursue the collection of delinquent real estate taxes;

WHEREAS, the City of Reading has determined that it should have the ability and the opportunity to choose how to collect their delinquent real estate taxes and that they be able to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims; and

WHEREAS, the City of Reading does not wish to be forced to collect delinquent taxes under the Real Estate Tax Sale Law and pay a 5% commission for the collection of these unpaid taxes; and

WHEREAS, there is important legislation before the Pennsylvania House of Representatives, Senate Bill 777, that would allow City of Reading and other cities, townships, boroughs and school districts the ability to choose how their delinquent real estate taxes are collected.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY RESOLVES:**

THAT IT STRONGLY SUPPORTS SENATE BILL 777, AND URGES THAT THE PENNSYLVANIA STATE HOUSE QUICKLY CONSIDER AND APPROVE THE LEGISLATION AND THAT A COPY OF THIS RESOLUTION BE TRANSMITTED TO THE ELECTED REPRESENTATIVES IN THE PENNSYLVANIA GENERAL ASSEMBLY.

ADOPTED BY COUNCIL \_\_\_\_\_, 2008.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Attest: \_\_\_\_\_

777 By Senators BROWNE, BOSCOLA, ERICKSON, COSTA,  
FERLO, LOGAN and ORIE.

Prior Printer's Nos. [874](#), [1456](#). Printer's No. [1560](#).

An Act amending the act of May 16, 1923  
(P.L.207, No.153), referred to as the Municipal  
Claim and Tax Lien Law, changing the date from  
which, and the rate of which, interest is charged  
on certain delinquent taxes and other municipal  
claims; providing for the duties of third-party  
collectors and for adoption of ordinance for the  
exclusive collection of taxes; further providing  
for locality index; modernizing the law relating to  
collection of such taxes and claims; and providing  
for severability.

Referred to FINANCE, April 23, 2007  
Reported as committed, April 25, 2007  
First consideration, April 25, 2007  
Re-referred to APPROPRIATIONS, May 2, 2007  
Re-reported as committed, Sept. 24, 2007  
Re-referred to FINANCE, Sept. 25, 2007  
Re-reported as amended, Oct. 15, 2007  
Second consideration, Oct. 24, 2007  
Amended on third consideration, Nov. 19, 2007  
Laid on the table, Nov. 19, 2007  
Removed from table, Nov. 19, 2007  
Third consideration and final passage,  
Nov. 20, 2007 (28-22)  
(Remarks see Senate Journal Page 1337),  
Nov. 20, 2007

In the House  
Referred to FINANCE, Nov. 21, 2007

### **Finance Committee Reports Three Bills**

The Senate Finance Committee approved three bills on Monday (October 15) and sent them on to the full Senate for consideration, according to Committee Chairman Senator Pat Browne.

**Senate Bill 777**, sponsored by Senator Browne, would amend current state laws to help school districts, cities, townships and boroughs more efficiently collect delinquent real estate taxes and municipal fees. The bill also refines and improves the process by which municipalities hire third party collection firms, improves the public information requirements set by statute, and clarifies ambiguities in the current law.

"Senate Bill 777 expedites the process by which governing bodies can collect delinquent taxes and fees," Senator Browne said. "This will help their revenue collection, which in turn provides some relief and eases the tax burden on those who pay their share in a timely manner. Those taxpayers should not be tasked with carrying an additional burden imposed by those who are late in paying their fees and taxes."

**Senate Bill 65**, sponsored by Senator John Wozniak, would extend the authorization of Keystone Opportunity Zone and Keystone Opportunity Expansion Zone programs from 2010 to 2028.

Companies setting up operations in a KOEZ or KOZ receive various forms of regulatory relief as well as tax abatements, credits, deductions and exemptions. These areas may also receive other benefits including lower interest rates and priority consideration for state assistance under state and community economic development and community building initiatives.

"The KOZ and KOEZ programs have proven to be excellent incentives for economic development in our local municipalities," Senator Browne said. "They have attracted thousands of new job opportunities to Pennsylvania."

PRIOR PRINTER'S NOS. 874, 1456 PRINTER'S NO. **1560**

**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

# **SENATE BILL**

**No. 777** Session of

**2007**

INTRODUCED BY BROWNE, BOSCOLA, ERICKSON, COSTA, FERLO, LOGAN,  
O'PAKE AND ORIE, APRIL 23, 2007

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 19, 2007

AN ACT

1 Amending the act of May 16, 1923 (P.L.207, No.153), entitled  
"An

2 act providing when, how, upon what property, and to what  
3 extent, liens shall be allowed for taxes and for municipal  
4 improvements, for the removal of nuisances, and for water  
5 rents or rates, sewer rates, and lighting rates; for the  
6 procedure upon claims filed therefor; the methods for  
7 preserving such liens and enforcing payment of such claims;  
8 the effect of judicial sales of the properties lienied; the  
9 distribution of the proceeds of such sales, and the  
10 redemption of the property therefrom; for the lien and  
11 collection of certain taxes heretofore assessed, and of  
12 claims for municipal improvements made and nuisances removed,  
13 within six months before the passage of this act; and for the  
14 procedure on tax and municipal claims filed under other and  
15 prior acts of Assembly," changing the date from which, and  
16 the rate of which, interest is charged on certain delinquent  
17 taxes and other municipal claims; providing for the duties of  
18 third-party collectors and for adoption of ordinance for the  
19 exclusive collection of taxes; further providing for locality  
20 index; modernizing the law relating to collection of such  
21 taxes and claims; and providing for severability.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 1 of the act of May 16, 1923 (P.L.207,  
25 No.153), referred to as the Municipal Claim and Tax Lien Law,  
26 amended August 14, 2003 (P.L.83, No.20) and July 15, 2004  
27 (P.L.726, No.83), is amended to read:

1 Section 1. Be it enacted, &c., That the word "taxes," as  
2 used in this act, means any county, city, borough,  
incorporated  
3 town, township, school, bridge, road, or poor taxes, together



4 with and including all penalties, interest, costs, charges,  
5 expenses and fees, including reasonable attorney fees, as  
6 allowed by this act and all other applicable laws.  
7 The word "delinquent," as used  
8 in this act, except with  
9 respect to county taxes in  
10 counties of the second class,  
11 refers  
12 to taxes that remain unpaid on  
13 December 31 of the calendar  
14 year  
15 in which they became first due  
16 and payable, except that if the  
17 taxes are being paid in  
18 installments pursuant to and in  
19 accordance with the provisions  
20 of any act permitting or  
21 requiring installment  
22 payments, the term shall mean  
23 that portion  
24 of the taxes that remains  
25 unpaid on the first day of the  
26 month  
27 following the month that the  
28 last required installment  
29 payment  
30 was due and payable. For  
31 municipal claims, other than  
32 tax  
33 claims, the term means ninety  
34 days after the date of the  
35 initial  
36 billing for the claims.  
37 The word "highway," as used in this act, means the whole or  
38 any part of any public street, public road, public lane,  
39 public  
40 alley, or other public highway.  
41 The words "tax claim," as used in this act, mean the claim  
42 filed to recover taxes.  
43 The words "municipal claim," as used in this act, unless  
44 specifically indicated otherwise, mean and include (1) the  
45 claim  
46 arising out of, or resulting from, a tax assessed, service  
47 supplied, work done, or improvement authorized and  
48 undertaken,  
49 by a municipality, although the amount thereof be not at the  
50 time definitely ascertained by the authority authorized to

30 determine the same, and a lien therefor be not filed, but  
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1 becomes filable within the period and in the manner herein  
2 provided, (2) the claim filed to recover for the grading,  
3 guttering, macadamizing, or otherwise improving, the cartways  
of

4 any public highway; for grading, curbing, recurbing, paving,  
5 repaving, constructing, or repairing the footways thereof; for  
6 laying water pipes, gas pipes, culverts, sewers, branch  
sewers,

7 or sewer connections therein; for assessments for benefits in  
8 the opening, widening or vacation thereof; or in the changing  
of

9 water-courses or the construction of sewers through private  
10 lands; or in highways of townships of the first class; or in  
the

11 acquisition of sewers and drains constructed and owned by  
12 individuals or corporations, and of rights in and to use the  
13 same; for the removal of nuisances; or for g\_a\_r\_b\_a\_g\_e\_  
\_f\_e\_e\_s\_,

14 r\_e\_c\_y\_c\_l\_i\_n\_g\_f\_e\_e\_s\_,\_l\_a\_n\_d\_l\_o\_r\_d\_  
\_l\_i\_c\_e\_n\_s\_i\_n\_g\_a\_n\_d\_i\_n\_s\_p\_e\_c\_t\_i\_o\_n\_f\_e\_e\_s\_,  
water

15 rates, lighting rates, or sewer rates, and (3) the claim  
filed

16 to recover for work, material, and services rendered or  
17 furnished in the construction, improvement, maintenance, and  
18 operation of a project or projects of a body politic or  
19 corporate created as a Municipal Authority pursuant to law. A  
20 municipal claim shall be together with and shall include all  
21 penalties, interest, costs, fines, charges, expenses and  
fees,

22 including reasonable attorney fees, as allowed by this act  
and

23 all other applicable laws.

24 The word "claimant," as used in this act, means the plaintiff  
25 or use-plaintiff in whose favor the claim is filed as a lien.

26 The word "contractor," as used in this act, means the person  
27 or persons who, under contract with the legal plaintiff,  
28 performed the work for which the lien is given.

29 The word "property," as used in this act, means the real  
30 estate subject to the lien and against which the claim is  
filed

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1 as a lien.

2 The word "owner," as used in this act, means the person or

3 persons in whose name the property is registered, if  
registered  
4 according to law, and, in all other cases, means any person or  
5 persons in open, peaceable and notorious possession of the  
6 property, as apparent owner or owners thereof, if any, or the  
7 reputed owner or owners thereof in the neighborhood of such  
8 property.  
9 The word "municipality," as used in this act, means any  
10 county, city, borough, incorporated town, township, school  
11 district, or a body politic and corporate created as a  
Municipal  
12 Authority pursuant to law and any assignees thereof.  
13 The words "charges, expenses, and fees," as used in this act,  
14 include all sums paid or incurred by a municipality to file,  
15 preserve and collect unpaid taxes, tax claims, tax liens,  
16 municipal claims and municipal liens, including, but not  
limited  
17 to, prothonotary and sheriff fees, postage expenses, and  
title  
18 search expenses. A county, city, borough, incorporated town,  
19 township, school district or municipal authority may also  
20 recover as "charges, expenses, and fees" the charges,  
expenses,  
21 commissions and fees of third-party collectors retained by  
the  
22 county, city, borough, incorporated town, township, school  
23 district or municipal authority, provided that the charges,  
24 expenses, commissions and fees of such third-party collectors  
25 are approved by legislative action of the county, city,  
borough,  
26 incorporated town, township, school district or municipal  
27 authority which levies the unpaid taxes, tax claims, tax  
liens,  
28 municipal claims and municipal liens.  
29 Section 2. Section 3 of the act, amended August 14, 2003  
30 (P.L.83, No.20), is amended to read:  
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1 Section 3. (a) All municipal claims, municipal liens,  
2 taxes, tax claims and tax liens which may hereafter be  
lawfully  
3 imposed or assessed on any property in this Commonwealth, and  
4 all such claims heretofore lawfully imposed or assessed within  
5 six months before the passage of this act and not yet liened,  
in  
6 the manner and to the extent hereinafter set forth, shall be  
and

7 they are hereby declared to be a lien on said property,  
together  
8 with all charges, expenses, and fees incurred in the  
collection  
9 of any delinquent account, including reasonable attorney fees  
10 under subsection (a.1), added thereto for failure to pay  
11 promptly; and municipal claims and municipal liens shall  
arise  
12 when lawfully imposed and assessed and shall have priority to  
13 and be fully paid and satisfied out of the proceeds of any  
14 judicial sale of said property, before any other obligation,  
15 judgment, claim, lien, or estate with which the said property  
16 may become charged, or for which it may become liable, save  
and  
17 except only the costs of the sale and of the writ upon which  
it  
18 is made, and the taxes, tax claims and tax liens imposed or  
19 assessed upon said property.  
20 (a.1) [It is not the intent of this subsection to require  
21 owners to pay, or municipalities to sanction, inappropriate  
or  
22 unreasonable attorney fees, charges or expenses for routine  
23 functions.] Attorney fees incurred in the collection of any  
24 delinquent account, including municipal claims, municipal  
liens,  
25 taxes, tax claims and tax liens, shall be in an amount  
26 sufficient to compensate attorneys undertaking collection and  
27 representation of a municipality or its assignee in any  
actions  
28 in law or equity involving claims arising under this act. A  
29 municipality by ordinance, or by resolution if the  
municipality  
30 is of a class which does not have the power to enact an  
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1 ordinance, shall adopt the schedule of attorney fees. Where  
2 attorney fees are sought to be collected in connection with  
the  
3 collection of a delinquent account, including municipal  
claims,  
4 municipal liens, taxes, tax claims and tax liens, the owner  
may  
5 petition the court of common pleas in the county where the  
6 property subject to the municipal claim and lien, tax claim  
and  
7 lien or taxes is located to adjudicate the reasonableness of  
the

8 attorney fees imposed. In the event that there is a challenge  
9 to  
10 the reasonableness of the attorney fees imposed in accordance  
11 with this section, the court shall consider, but not be  
12 limited  
13 to, the following:  
14 (1) The time and labor required, the novelty and difficulty  
15 of the questions involved and the skill requisite to properly  
16 undertake collection and representation of a municipality in  
17 actions arising under subsection (a).  
18 (2) The customary charges of the members of the bar for  
19 similar services.  
20 (3) The [amount of the delinquent account collected and the]  
21 benefit to the municipality from the services.  
22 (4) The contingency or the certainty of the compensation.  
23 (a.2) Any time attorney fees are awarded pursuant to any  
24 provision of law, the municipality shall not be entitled to  
25 duplicate recovery of attorney fees under this section.  
26 (a.3) (1) At least thirty days prior to assessing or  
27 imposing attorney fees in connection with the collection of a  
28 delinquent account, including municipal claims, municipal  
29 liens,  
30 taxes, tax claims and tax liens, a municipality shall, by  
31 United  
32 States certified mail, return receipt requested, postage  
33 prepaid, mail to the owner the notice required by this  
34 subsection. N\_o\_t\_w\_i\_t\_h\_s\_t\_a\_n\_d\_i\_n\_g\_t\_h\_e  
35 p\_r\_o\_v\_i\_s\_i\_o\_n\_o\_f\_t\_h\_i\_s\_s\_e\_c\_t\_i\_o\_n,\_a  
36 20070S0777B1560 - 6 -  
37 1\_r\_e\_a\_s\_o\_n\_a\_b\_l\_e\_f\_e\_e\_p\_a\_i\_d\_o\_r\_i\_n\_c\_u\_r\_r\_e\_d  
38 b\_y\_a\_m\_u\_n\_i\_c\_i\_p\_a\_l\_i\_t\_y\_t\_o\_a\_n  
39 a\_t\_t\_o\_r\_n\_e\_y  
40 2\_o\_r\_l\_a\_w\_f\_i\_r\_m\_t\_o\_s\_a\_t\_i\_s\_f\_y\_t\_h\_e  
41 n\_o\_t\_i\_c\_e\_r\_e\_q\_u\_i\_r\_e\_m\_e\_n\_t\_s\_o\_f\_t\_h\_i\_s  
42 s\_e\_c\_t\_i\_o\_n  
43 3\_m\_a\_y\_b\_e\_a\_s\_s\_e\_s\_s\_e\_d\_w\_i\_t\_h\_o\_u\_t  
44 p\_r\_o\_v\_i\_d\_i\_n\_g\_p\_r\_i\_o\_r\_n\_o\_t\_i\_c\_e.  
45 (2) If within thirty days of mailing the notice in  
46 accordance with clause (1) the certified mail is refused or  
47 unclaimed or the return receipt is not received, then at least  
48 ten days prior to assessing or imposing attorney fees in  
49 connection with the collection of a delinquent account, a  
50 municipality shall, by United States first class mail, mail to  
51 the owner the notice required by this subsection.  
52 (3) The notice required by this subsection shall be mailed  
53 to the owner's last known post office address by virtue of  
54 the

13 knowledge and information possessed by the municipality and  
14 by  
15 the county office responsible for assessments and revisions  
16 of  
17 taxes. It shall be the duty of the municipality to determine  
18 the  
19 owner's last post office address known to said collector and  
20 county assessment office.

21 (4) The notice to the owner shall include the following:

22 (i) A statement of the municipality's intent to impose or  
23 assess attorney fees within thirty days of mailing the notice  
24 pursuant to clause (1) or within ten days of the mailing of  
25 the

26 notice pursuant to clause (2).

27 (ii) The manner in which the imposition or assessment of  
28 attorney fees may be avoided by payment of the delinquent  
29 account.

30 (b) With the exception of those claims which have been  
31 assigned, any municipal claim, municipal lien, tax, tax claim  
32 or

33 tax lien, including interest, penalty and costs, imposed by a  
34 city of the first class, shall be a judgment only against the  
35 said property when the lien has been docketed by the

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1 prothonotary. The docketing of the lien shall be given the  
2 effect of a judgment against the said property only with  
3 respect

4 to which the claim is filed as a lien. The prothonotary shall  
5 maintain an in rem index, the form and location of which shall  
6 be within the prothonotary's discretion. All tax claims, water  
7 rents or rates, lighting rates, power rates and sewer rates  
8 heretofore filed are hereby ratified, confirmed and made valid  
9 subsisting liens as of the date of their original filing.

10 (c) A writ of execution may issue directly without  
11 prosecution to judgment of a writ of scire facias. Any  
12 property

13 sold in execution shall be sold in compliance with the  
14 provisions of section 31.2.

15 (d) Attorney fees may be imposed and collected in accordance  
16 with this section upon all taxes, tax claims, tax liens,  
17 municipal claims, municipal liens, writs of scire facias,  
18 judgments or executions filed on or after December 19, 1990.

19 Section 3. Section 9 of the act, amended February 21, 2006  
20 (P.L.46, No.18), is amended to read:

21 Section 9. Claims for taxes, water rents or rates, lighting  
22 rates, power rates and sewer rates must be filed in the court  
23 of

21 common pleas of the county in which the property is situated  
22 unless the property is situate in the City of Philadelphia  
and  
23 the taxes or rates do not exceed the maximum amount over  
which  
24 the Municipal Court of Philadelphia has original  
jurisdiction,  
25 in which event the claim must be filed in the Municipal Court  
of  
26 Philadelphia. All such claims shall be filed on or before the  
27 last day of the third calendar year after that in which the  
28 taxes or rates are first payable, except that in cities and  
29 school districts of the first class claims for taxes and  
other  
30 municipal claims, which have heretofore become liens pursuant  
to  
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1 the provisions of this act or which have been entered of  
record  
2 as liens or which have been liened and revived, shall continue  
3 and remain as liens for the period of twenty years from such  
4 revival, entry or lien by operation of law, whichever shall  
have  
5 last occurred; and other municipal claims must be filed in  
said  
6 court of common pleas or the Municipal Court of Philadelphia  
7 within six months from the time the work was done in front of  
8 the particular property, where the charge against the property  
9 is assessed or made at the time the work is authorized; within  
10 six months after the completion of the improvement, where the  
11 assessment is made by the municipality upon all the  
properties  
12 after the completion of the improvement; and within six  
months  
13 after confirmation by the court, where confirmation is  
required;  
14 the certificate of the surveyor, engineer, or other officer  
15 supervising the improvement, filed in the proper office,  
being  
16 conclusive of the time of completion thereof, but he being  
17 personally liable to anyone injured by any false statement  
18 therein. Where a borough lies in more than one county, any  
such  
19 claim filed by such borough may be filed in each of such  
20 counties. In case the real estate benefited by the  
improvement  
21 is sold before the municipal claim is filed, the date of

22 completion in said certificate shall determine the liability  
for  
23 the payment of the claim as between buyer and seller, unless  
24 otherwise agreed upon or as above set forth. A number of  
years'  
25 taxes or rates of different kinds if payable to the same  
26 plaintiff may be included in one claim. Interest as  
determined  
27 by the municipality at a rate not to exceed ten per cent per  
28 annum shall be collectible on [all] t\_h\_e \_f\_a\_c\_e \_a\_n\_d\_  
\_p\_e\_n\_a\_l\_t\_y \_a\_m\_o\_u\_n\_t\_  
29 o\_f \_b\_o\_t\_h \_t\_a\_x\_e\_s \_a\_n\_d\_ municipal claims from the  
date [of the  
30 completion of the work after it is filed as a lien, and on  
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1 claims for taxes, water rents or rates, lighting rates, or  
sewer  
2 rates from the date of the filing of the lien therefor] o\_n\_  
\_w\_h\_i\_c\_h\_  
3 t\_h\_e \_t\_a\_x\_e\_s \_o\_r \_m\_u\_n\_i\_c\_i\_p\_a\_l \_c\_l\_a\_i\_m\_s\_  
\_b\_e\_c\_o\_m\_e \_d\_e\_l\_i\_n\_q\_u\_e\_n\_t \_o\_r \_f\_o\_r \_c\_o\_u\_n\_t\_y\_  
4 t\_a\_x\_e\_s \_i\_n \_c\_o\_u\_n\_t\_i\_e\_s \_o\_f \_t\_h\_e \_s\_e\_c\_o\_n\_d\_  
\_c\_l\_a\_s\_s, \_a\_s \_o\_t\_h\_e\_r\_w\_i\_s\_e \_p\_r\_o\_v\_i\_d\_e\_d \_b\_y\_  
5 l\_a\_w\_: Provided, however, That after the effective date of  
this  
6 amendatory act where municipal claims are filed arising out of  
a  
7 municipal project which required the municipality to issue  
bonds  
8 to finance the project interest shall be collectible on such  
9 claims at the rate of interest of the bond issue or at the  
rate  
10 of twelve per cent per annum, whichever is less. Where the  
11 provisions of any other act relating to claims for taxes,  
water  
12 rents or rates, lighting rates, power rates, sewer rents or  
13 rates or for any other type of municipal claim or lien  
utilizes  
14 the procedures provided in this act and where the provisions  
of  
15 such other act establishes a different rate of interest for  
such  
16 claims or liens, the maximum rate of interest of ten per cent  
17 per annum as provided for in this section shall be applicable  
to  
18 the claims and liens provided for under such other acts:  
19 Provided, however, That after the effective date of this



20 amendatory act where municipal claims are filed arising out  
of a  
21 municipal project which required the municipality to issue  
bonds  
22 to finance the project interest shall be collectible on such  
23 claims at the rate of interest of the bond issue or at the  
rate  
24 of twelve per cent per annum, whichever is less.  
25 Claims for taxes, water rents, or rates, lighting rates,  
26 power rates and sewer rates may be in the form of written or  
27 typewritten lists showing the names of the taxables,  
including  
28 the name and last known address, with its zip code, of the  
owner  
29 of each property against which a claim is being filed, and  
30 descriptions of the properties against which the claims are  
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1 filed, together with the amount of the taxes due such  
2 municipality. Such lists may be filed on behalf of a single  
3 municipality, or they may cover the unpaid taxes due any two  
or  
4 more municipalities whose taxes are collected by the same tax  
5 collector, provided the amounts due each municipality are  
6 separately shown. All tax claims, water rents, or rates,  
7 lighting rates, power rates and sewer rates, heretofore filed  
in  
8 such form, are hereby ratified, confirmed and made valid  
9 subsisting liens as of the date of their original filing.  
10 A number of years' taxes or rates of different kinds, if  
11 payable to the same plaintiff, may be included in one claim.  
12 Municipal claims shall likewise be filed within said period,  
13 where any appeal is taken from the assessment for the  
recovery  
14 of which such municipal claim is filed. In such case the lien  
15 filed shall be in the form hereinafter provided, except that  
it  
16 shall set forth the amount of the claim as an undetermined  
17 amount, the amount thereof to be determined by the appeal  
taken  
18 from the assessment upon which such municipal claim is based,  
19 pending in a certain court (referring to the court and the  
20 proceeding where such appeal is pending). Upon the filing of  
21 such municipal claim, the claim shall be indexed by the  
22 prothonotary upon the judgment index and upon the locality  
index  
23 of the court, and the amount of the claim set forth therein  
as

24 an undetermined amount.  
25 If final judgment is not obtained upon such appeal within  
26 twenty years from the filing of such municipal claim, the  
27 claimant in the lien shall, within such period of twenty  
years,  
28 file a suggestion of nonpayment, in the form hereinafter set  
29 forth, which shall have the effect of continuing the lien  
30 thereof for a further period of twenty years from the date of  
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1 filing such suggestion, except that with respect to claims for  
2 taxes and other municipal claims, in cities and school  
districts  
3 of the first class, if final judgment is not obtained upon  
such  
4 appeal within twenty years from the filing of such municipal  
5 claims, the claimant in the lien shall, within such period of  
6 twenty years, file a suggestion of nonpayment in the  
prescribed  
7 form which shall have the effect of continuing the lien  
thereof  
8 for a further period of twenty years from the date of filing  
9 such suggestion. Such municipal claim shall be revived in a  
10 similar manner during each recurring period of twenty years  
11 thereafter, until final judgment is entered upon said appeal  
and  
12 the undetermined amount of such municipal claim is fixed in  
the  
13 manner hereinafter provided, except that with respect to  
claims  
14 for taxes and other municipal claims, in cities and school  
15 districts of the first class, such municipal claims shall be  
16 revived in a similar manner during each recurring period of  
17 twenty years thereafter until final judgment is entered upon  
18 said appeal and the undetermined amount of such municipal  
claim  
19 is fixed in the manner hereinafter provided.  
20 When the final judgment is obtained upon such appeal, the  
21 court in which said municipal claim is pending shall, upon  
the  
22 petition of any interested party, make an order fixing the  
23 undetermined amount claimed in such claim at the amount  
24 determined by the final judgment upon said appeal, which  
shall  
25 bear interest from the date of the verdict upon which final  
26 judgment was entered, and thereafter the amount of said claim  
27 shall be the sum thus fixed. Proceedings upon said municipal  
28 claim thereafter shall be as in other cases.

29 Where, on final judgment upon said appeal, it appears that no  
30 amount is due upon the assessment for the recovery of which  
such

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1 claim is filed, the court in which such municipal claim is  
2 pending shall, upon the petition of any interested party, make  
3 an order striking such municipal claim from the record, and  
4 charge the costs upon such claim to the plaintiff in the claim  
5 filed.

6 Where such appeal is discontinued, the court in which such  
7 municipal claim is pending shall, upon the petition of any  
8 interested party, make an order fixing the undetermined amount  
9 claimed at the amount of the original assessment, which shall  
10 bear interest from the date that such assessment was  
originally

11 payable, and thereafter the amount of such claim shall be the  
12 sum thus fixed.

13 In counties of the second class and municipalities therein,  
14 interest at the applicable per annum rate shall accrue  
monthly

15 on all taxes, tax claims and municipal claims on the first  
day

16 of the month for the entire month, or part thereof, in which  
the

17 taxes, tax claims or municipal claims are paid. Interest  
shall

18 not be paid on a per diem basis. In counties of the second  
19 class, all county taxes after the same become delinquent, as  
20 provided by law, shall include a penalty of five per centum  
for

21 such delinquency.

22 In counties of the second class, taxes and tax claims, when  
23 collected, shall be paid into the county treasury for the use  
of

24 the county unless the taxes and tax claims are assigned, in  
25 which event there is no requirement that the taxes and tax  
26 claims collected by the assignee be paid into the county  
27 treasury.

28 In counties of the second class, the county shall not be  
29 required to advance or pay any fee to the prothonotary for  
the

30 filing of paper or electronic filing or performing any  
services

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1 for the second class county relating to the filing,  
2 satisfaction, assignment, transfer, revival, amendment,  
3 enforcement and collection of taxes, tax claims and tax liens.

4 The prothonotary shall accept filings by or on behalf of the  
5 second class county relating to the taxes, tax claims and tax  
6 liens and note the cost for such service performed on the  
7 docket, and the second class county, its employees,  
8 representatives, agents and assigns shall thereafter collect  
9 such fee as a cost as part of the taxes, tax claims and tax  
10 liens.

11 Section 4. Sections 14 and 18 of the act are amended to  
12 read:

13 Section 14. Any defendant named in the claim, or any person  
14 allowed to intervene and defend [thereagainst] t\_h\_e\_r\_e\_  
\_a\_g\_a\_i\_n\_s\_t\_,

15 may, at any stage of the proceedings, present his petition,  
16 under oath or affirmation, setting forth that he has a  
defense

17 in whole or in part thereto, and of what it consists; and  
18 praying that a rule be granted upon the claimant to file an  
19 affidavit of the amount claimed by him, and to show cause why  
20 the petitioner should not have leave to pay money into court;  
21 and, in the case of a municipal claim, to enter security in  
lieu

22 of the claim; whereupon a rule shall be granted as prayed  
for.

23 Upon the pleadings filed, or from the claim and the affidavit  
of

24 defense, and without a petition where an affidavit of defense  
25 has been filed, the court shall determine how much of the  
claim

26 is admitted or not sufficiently denied; and shall enter a  
decree

27 that upon payment by such petitioner to the claimant of the  
28 amount thus found to be due, with interest and costs if  
anything

29 be found to be due, or upon payment into court, if the  
claimant

30 refuses to accept the same, and upon payment into court of a  
sum

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1 sufficient to cover the balance claimed, with interest and  
2 costs, or upon the entry of approved security in the case of a  
3 municipal claim, that such claim shall be wholly discharged as  
a

4 lien against the property described therein, and shall be  
5 stricken from the judgment index. Thereafter the material,  
6 disputed facts, if any, [shall] m\_a\_y\_ b e t r i e d b y a j u  
r y o\_r\_ \_t\_h\_e\_

7 c\_o\_u\_r\_t\_, without further pleadings, with the same effect as  
if a  
8 writ of scire facias had duly issued upon said claim, to  
recover  
9 the balance thereof; but the jury o\_r\_ \_t\_h\_e\_ \_c\_o\_u\_r\_t\_  
shall be sworn to  
10 try the issues between the claimant and the parties who paid  
the  
11 fund into court or entered security, and verdict, judgment  
and  
12 payment, or execution, shall follow as in other cases. The  
same  
13 course may be pursued, at the instance of any owner, where  
the  
14 claim has not in fact been filed, and if, in that event, the  
15 petitioner complies with the decree made, the money paid into  
16 court or security entered shall stand in lieu of the claim  
and  
17 the latter shall not be filed, and if filed shall be stricken  
18 off upon motion.  
19 Section 18. The sheriff to whom the scire facias is given  
20 for service shall add to the writ, as parties defendant, all  
21 persons, other than those named therein, who may be found in  
22 possession of the property described, or any part thereof,  
and  
23 in case no one is found in possession by the sheriff he shall  
24 post a true copy of the writ on the most public part of said  
25 property; and he shall add to the said writ the names of any  
26 persons, not already named therein, whom he may ascertain to  
27 have an interest in the property described, or any part  
thereof,  
28 which writ shall then be further served as follows:  
29 (a) By serving, as in the case of a summons, such of those  
30 named in the writ, or added thereto, as may be found in the  
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1 county in which the writ issued; and,  
2 (b) Where the sheriff has information that those named in  
3 the writ, or added thereto, or any of them, may be found in  
any  
4 other county of this Commonwealth, the said person shall be  
5 served, as in the case of a summons, by the sheriff of the  
6 county in which the said defendants or any of them may reside,  
7 he being deputized for that purpose by the sheriff of the  
county  
8 in which the writ issues; and,  
9 (c) ( \_l\_ ) \_ \_ ( \_i\_ ) \_ In case any of those named in the writ,  
or

10 added thereto, cannot be found by the sheriff, or their  
11 residences within this Commonwealth are unknown to him, or in  
12 case they reside without the Commonwealth o\_r \_a\_r\_e\_  
\_d\_e\_c\_e\_a\_s\_e\_d\_, the  
13 said writ [may] s\_h\_a\_l\_l\_ be served [by advertising a copy  
thereof,  
14 or a brief notice of the contents of the same, once a week  
for  
15 three successive weeks, in one newspaper of general  
circulation  
16 in the county, and in the legal periodical, if any,  
designated  
17 by the court for that purpose: Provided, however, That any  
18 defendant may accept service of said writ, in person or by  
19 counsel, with the same effect as if duly served therewith by  
the  
20 sheriff.] i\_n \_a\_c\_c\_o\_r\_d\_a\_n\_c\_e \_w\_i\_t\_h \_t\_h\_e\_  
\_P\_e\_n\_n\_s\_y\_l\_v\_a\_n\_i\_a \_R\_u\_l\_e\_s \_o\_f \_C\_i\_v\_i\_l\_  
21 \_P\_r\_o\_c\_e\_d\_u\_r\_e \_f\_o\_r \_s\_e\_r\_v\_i\_c\_e \_i\_n \_r\_e\_a\_l\_  
\_p\_r\_o\_p\_e\_r\_t\_y \_a\_c\_t\_i\_o\_n\_s\_.  
22 (\_i\_i\_) \_N\_o\_t\_w\_i\_t\_h\_s\_t\_a\_n\_d\_i\_n\_g\_  
\_s\_u\_b\_c\_l\_a\_u\_s\_e \_(\_i\_)\_, \_a\_n\_y \_d\_e\_f\_e\_n\_d\_a\_n\_t\_  
\_m\_a\_y \_a\_c\_c\_e\_p\_t\_  
23 \_s\_e\_r\_v\_i\_c\_e \_o\_f \_s\_a\_i\_d \_w\_r\_i\_t\_, \_i\_n\_  
\_p\_e\_r\_s\_o\_n \_o\_r \_b\_y \_c\_o\_u\_n\_s\_e\_l\_, \_w\_i\_t\_h \_t\_h\_e\_  
\_s\_a\_m\_e\_  
24 \_e\_f\_f\_e\_c\_t \_a\_s \_i\_f \_d\_u\_l\_y \_s\_e\_r\_v\_e\_d\_  
\_t\_h\_e\_r\_e\_w\_i\_t\_h \_b\_y \_t\_h\_e \_s\_h\_e\_r\_i\_f\_f\_.  
25 (\_2\_) Where the said writ[, or the brief notice of the  
26 contents thereof, have been advertised as aforesaid, the same  
27 shall have the same effect as if the writ had been personally  
28 served; and all those named therein, or added thereto, as to  
29 whom publication has been made, shall file their affidavit of  
30 defense, as required by the said writ, within fifteen days  
after  
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1 the date of the last weekly advertisement of the said writ;]  
h\_a\_s\_  
2 b\_e\_e\_n \_s\_e\_r\_v\_e\_d \_u\_n\_d\_e\_r \_s\_u\_b\_s\_e\_c\_t\_i\_o\_n\_  
\_(\_c\_)\_(1)\_(i)\_, \_t\_h\_e \_s\_e\_r\_v\_i\_c\_e \_s\_h\_a\_l\_l\_  
\_h\_a\_v\_e\_  
3 t\_h\_e \_s\_a\_m\_e \_e\_f\_f\_e\_c\_t \_a\_s \_i\_f \_t\_h\_e \_w\_r\_i\_t\_  
\_h\_a\_d \_b\_e\_e\_n \_p\_e\_r\_s\_o\_n\_a\_l\_l\_y \_s\_e\_r\_v\_e\_d\_; \_a\_n\_d\_  
4 a\_l\_l \_t\_h\_o\_s\_e \_n\_a\_m\_e\_d \_t\_h\_e\_r\_e\_i\_n\_, \_o\_r\_  
\_a\_d\_d\_e\_d \_t\_h\_e\_r\_e\_t\_o\_, \_s\_h\_a\_l\_l \_f\_i\_l\_e \_t\_h\_e\_i\_r\_

5 a\_f\_f\_i\_d\_a\_v\_i\_t\_o\_f\_d\_e\_f\_e\_n\_s\_e\_,\_a\_s  
6 r\_e\_q\_u\_i\_r\_e\_d\_b\_y\_t\_h\_e\_s\_a\_i\_d\_w\_r\_i\_t\_,  
7 w\_i\_t\_h\_i\_n  
8 f\_i\_f\_t\_e\_e\_n\_d\_a\_y\_s\_a\_f\_t\_e\_r\_t\_h\_e\_d\_a\_t\_e\_o\_f\_  
9 s\_e\_r\_v\_i\_c\_e\_o\_f\_t\_h\_e\_s\_a\_i\_d\_w\_r\_i\_t\_;\_and all  
10 those named therein or added thereto, who have been served as  
11 in  
12 case of a summons, shall file their affidavit of defense, as  
13 required by said writ, within fifteen days after such service.  
14 Service of any such writ may be made at any time within three  
15 months from the date on which it was issued, but it shall be  
16 served and returned at the earliest date possible, and the  
17 plaintiff may require its return at any time, whether or not  
18 it  
19 be actually served.  
20 Section 5. Section 26 of the act, amended February 21, 2006  
21 (P.L.46, No.18), is amended to read:  
22 Section 26. (a) It shall be the duty of the prothonotaries  
23 of the courts of common pleas to keep a locality index, in  
24 which  
25 shall be entered all tax or municipal claims hereafter filed,  
26 and, upon any written order therefor, they shall give a  
27 certificate of search, showing all the claims filed against  
28 any  
29 property. For so doing they shall receive the sum of twenty-  
30 five  
31 cents, and five cents additional for each claim certified,  
32 and  
33 no more.  
34 [(b) (1) In addition to the requirements of subsection (a),  
35 the department or public official responsible for collection  
36 of  
37 delinquent taxes in a city of the first class or other  
38 municipality that utilizes this act for the collection of  
39 delinquent taxes, and the county treasurer in a county of the  
40 second class, shall maintain as a public record a list of all  
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42 properties against which taxes were levied, the whole or any  
43 part of which were due and payable in a prior year and which  
44 remain unpaid. This list shall describe the property and  
45 identify its location, provide the name and last known  
46 address,  
47 including the zip code, of the owner of the property and the  
48 amount of unpaid taxes, penalties and interest due, for all  
49 years other than the current tax year. If taxes on the list  
50 are  
51 paid or another settlement had been agreed to or if a tax sale

9 of the property is held, this fact shall be noted on the list.  
10 (2) In addition to the requirements of subsection (a), the  
11 department or public official responsible for collection of  
12 delinquent taxes may report any nonpayment of taxes,  
including

13 liens, to one or more consumer reporting agencies, as defined  
by

14 the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. §  
15 1681 et seq.).]

16 (b) (1) Except in cities of  
the first class and counties of  
17 the second class, in addition  
to the requirements of  
subsection

18 (a) each county shall  
designate an office or  
department to  
19 maintain a public record, by  
paper lists and electronically,  
20 with respect to delinquent  
taxes. The record shall be  
considered

21 to be a public record under  
the act of June 21, 1957

(P.L. 390,  
22 No. 212), referred to as the  
Right-to-Know Law, but shall  
not be

23 considered a certification of  
delinquent taxes due or paid.

24 (2) Any municipality that  
utilizes this act for the  
25 collection of delinquent taxes  
in lieu of the act of July 7,  
26 1947 (P.L. 1368, No. 542), known  
as the "Real Estate Tax Sale  
27 Law," shall annually prepare a  
list of all properties against  
28 which taxes were due and  
payable in the prior year and  
which

29 remain unpaid. The list shall  
be given upon completion by the  
30 municipality on or before the  
last day of April each year but  
no



1 earlier than the first day of  
January of that year to the  
office  
2 or department designated by the  
county under clause (1) to be  
3 maintained as a public record.  
The list shall not be deemed a  
4 return under the "Real Estate  
Tax Sale Law." If a  
municipality  
5 has previously filed a return  
of the same delinquent taxes  
with  
6 the county tax claim bureau  
under the "Real Estate Tax Sale  
7 Law," it shall be exempt from  
filing the list required under  
8 this subsection. The list shall  
include all of the following  
for  
9 each property:  
10 (i) The address and parcel  
identification number or tax  
11 parcel number.  
12 (ii) The owner's name.  
13 (iii) The last known address,  
including the zip code of the  
14 owner, if available.  
15 (iv) The year the tax became  
due.  
16 (v) The face amount of the  
tax.  
17 (vi) The name and contact  
information for the entity  
18 responsible to collect the  
delinquent tax.  
19 (3) Within forty-five days  
after receipt of payment in  
full  
20 of any delinquent tax claim,  
the municipality shall notify  
the  
21 office or department  
designated by the county under  
clause (1)  
22 that the tax has been paid.

23 (4) The office or department  
designated by the county under  
24 clause (1), upon request of  
any person or entity, shall  
issue  
25 certifications of delinquent  
taxes paid. A fee not to exceed  
ten  
26 dollars per tax year may be  
charged to the person or entity  
27 requesting the certification.  
A certification under this  
28 subsection shall be binding  
upon the municipality to which  
the  
29 delinquent tax is due. Except  
as provided under clause (5),  
if  
30 the certification erroneously  
lists a delinquent tax as paid  
and  
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1 is relied upon by a bona fide  
purchaser, lessee or mortgagee  
who  
2 acquires for valuable  
consideration an interest in  
real estate  
3 covered by a tax certification,  
the municipality shall be  
4 estopped from asserting a tax  
lien for the taxes covered by  
the  
5 certification against the real  
estate that has been  
transferred.  
6 The municipality shall retain a  
cause of action in assumpsit to  
7 recover the delinquent tax due  
in accordance with the  
applicable  
8 law.  
9 (5) Nothing in this section  
shall affect the requirement to  
10 file tax claims for delinquent  
taxes with the prothonotaries  
of

11 the several counties in this  
12 Commonwealth in accordance with  
13 this act and all other  
14 applicable laws. A tax claim  
15 filed with  
16 the prothonotary shall remain  
17 open and unsatisfied until the  
18 delinquent taxes which are the  
19 subject of the tax claim are  
20 paid  
21 or otherwise discharged or  
22 satisfied as provided by law.  
23 Notwithstanding the  
24 requirements of clause (4) an  
25 erroneous  
26 certification that delinquent  
27 taxes are paid shall not be  
28 binding upon a municipality if  
29 a tax claim related to the  
30 delinquent taxes remains open  
31 and unsatisfied on the  
32 prothonotary's docket at the  
33 time that the certification is  
34 issued.  
35 (6) In the event that the  
36 records of the office or  
37 department designated by the  
38 county under clause (1) do not  
39 indicate that delinquent taxes  
40 are paid or if a tax claim  
41 remains open and unsatisfied  
42 in the prothonotary's docket, a  
43 certification of delinquent  
44 taxes due shall be issued by or  
45 on  
46 behalf of the municipality.  
47 The certification of delinquent  
48 taxes due shall specify the  
49 amount due and owing through a  
50 date  
51 certain and shall provide an  
52 amount to satisfy any tax claim  
53 filed for the delinquent  
54 taxes. The fee for a  
55 certification of  
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1 taxes due shall be the same as  
the fee established under  
clause  
2 (4) and shall be chargeable by  
or on behalf of the  
municipality  
3 to the person or entity  
requesting the certification.  
If the  
4 certified balance due through  
the date provided on the  
5 certification is timely paid,  
the delinquent taxes and tax  
6 claims relating to the  
delinquent taxes shall be  
satisfied. If a  
7 certification erroneously  
states the balance due and is  
relied  
8 upon by a bona fide purchaser,  
lessee or mortgagee who  
acquires  
9 for valuable consideration an  
interest in real estate covered  
by  
10 a tax certification, the  
municipality shall be estopped  
from  
11 asserting a tax lien for the  
taxes covered by the  
certification  
12 against the real estate that  
has been transferred. The  
13 municipality shall retain a  
cause of action in assumpsit to  
14 recover the delinquent taxes  
due in accordance with  
applicable  
15 law. Within forty-five days  
after receipt of payment in  
full of  
16 any delinquent tax claim, the  
municipality or its agent shall  
17 satisfy the lien filed with  
the prothonotary's office.

18 (c) In addition to the  
requirements of subsection (a),  
any  
19 municipality that utilizes  
this act for the collection of  
20 delinquent taxes may report  
any nonpayment of taxes,  
including  
21 liens, to one or more consumer  
reporting agencies, as defined  
by  
22 the Fair Credit Reporting Act  
(Public Law 91-508, 15 U.S.C. §  
23 1681 et seq.).  
24 (d) Except in cities of the  
first class, counties of the  
25 second class and  
municipalities in counties of  
the second class,  
26 any certification issued under  
subsection (b)(4) and (6) shall  
27 be subject to the time  
limitations set forth under  
section 3.4  
28 and the appeal procedures set  
forth under section 3.5 of the  
act  
29 of June 21, 1957 (P.L. 390,  
No. 212), referred to as the  
Right-to-  
30 Know Law.

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1 Section 6. Section 31 of the act, amended November 29, 2004  
2 (P.L.1299, No.163), is amended to read:

3 Section 31. The lien of a tax or a municipal claim shall not  
4 be divested by any judicial sale of the property lien, where  
5 the amount due is indefinite or undetermined, or where the  
same

6 is not due and payable; nor shall the lien of a tax or  
municipal

7 claim be divested by any judicial sale of the property lien,  
8 as respects so much thereof as the proceeds of such sale may  
be

9 insufficient to discharge; nor, except as hereinafter  
provided,

10 shall a judicial sale of the property lien, under a  
judgment

11 obtained on a tax or municipal claim, discharge the lien of  
12 any  
13 other tax or municipal claim than that upon which said sale  
14 is  
15 had, except to the extent that the proceeds realized are  
16 sufficient for its payment, obtained on a tax or municipal  
17 claim, discharge the lien of any other tax or municipal claim  
18 than that upon which said sale is had, except to the extent  
19 that  
20 the proceeds realized are sufficient for its payment, after  
21 paying the costs, charges and fees, including reasonable  
22 attorney fees, expenses of the sale, and of the writ upon  
23 which  
24 it was made, and any other prior tax or municipal claims to  
25 which the fund may first be applicable. On any such sale  
26 being  
27 made all tax claims shall be paid out of the proceeds  
28 thereof:  
29 first, the oldest tax having priority; and municipal claims  
30 shall be paid next, the oldest in point of lien having  
31 priority.  
32 Mortgages, ground-rents, and other charges on or estates in  
33 the  
34 property which were recorded, or created where recording is  
35 not  
36 required, before any tax other than for the current year  
37 accrue,  
38 or before the actual doing of the work in front of or upon  
39 the  
40 particular property for which the municipal claim is filed,  
41 shall not be disturbed by such sale unless a prior lien is  
42 also  
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44 1 discharged thereby.  
45 2 In case the property be not sold for a sum sufficient to pay  
46 3 all taxes and municipal claims, together with the costs  
47 thereon,  
48 4 the plaintiff in any such claim may postpone the sale b\_y\_  
49 5 a\_n\_n\_o\_u\_n\_c\_e\_m\_e\_n\_t\_ t\_o\_ t\_h\_e\_ a\_s\_s\_e\_m\_b\_l\_e\_d\_  
50 6 b\_i\_d\_d\_e\_r\_s\_ o\_r\_ a\_s\_ m\_a\_y\_ o\_t\_h\_e\_r\_w\_i\_s\_e\_ b\_e\_  
51 7 p\_r\_o\_v\_i\_d\_e\_d\_ b\_y\_ l\_o\_c\_a\_l\_ r\_u\_l\_e\_ o\_r\_  
52 8 c\_o\_n\_d\_i\_t\_i\_o\_n\_s\_ o\_f\_ s\_a\_l\_e\_, without payment of  
53 9 costs, and file his petition setting forth that more than one  
54 10 year has elapsed since the filing of his claim; that he has  
55 9 exposed the property to sheriff's sale thereunder, and was  
56 10 unable to obtain a bid sufficient to pay the upset price in

11 full; and, if the plaintiff is not a municipality as defined  
12 in  
13 this act, that he will bid sufficient to pay the upset price,  
14 and upon the production of searches or a title insurance  
15 policy  
16 showing the state of the record and the ownership of the  
17 property, and of all tax and municipal claims, mortgages,  
18 ground-rents, or other charges on or estates in the land, the  
19 court shall grant a rule upon all parties thus shown to be  
20 interested to appear and show cause why a decree should not  
21 be  
22 made that said property be sold, freed, and cleared of their  
23 respective claims, mortgages, charges, and estates. If, upon  
24 a  
25 hearing thereafter, the court is satisfied that service has  
26 been  
27 made of said rule upon the parties respondent, in the manner  
28 provided in section 39.2, and that the facts stated in the  
29 petition be true, it shall order and decree that said  
30 property  
31 be sold at a subsequent sheriff's sale day, to be fixed by  
32 the  
33 court without further advertisement, and the court may fix a  
34 common date and place of sale for more than one of said  
35 properties if it deems a joint sale to be advantageous. All  
36 property at sheriff's sale shall be sold, clear of all  
37 claims,  
38 liens, mortgages, charges, and estates, to the highest bidder  
39 at  
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41 1 such sale; and the proceeds realized therefrom shall be  
42 2 distributed in accordance with the priority of such claims;  
43 and  
44 3 the purchaser at such sale shall take, and forever thereafter  
45 4 have, an absolute title to the property sold, free, and  
46 5 discharged of all tax and municipal claims, liens, mortgages,  
47 6 charges, and estates of whatsoever kind, subject only to the  
48 7 right of redemption as provided by law. In counties of the  
49 8 second class, upon return of the writ upon which the sale was  
50 9 made and upon the expiration of the statutory right of  
51 10 redemption and if no petition to set aside the sale is  
52 pending,  
53 11 the prothonotary shall satisfy all tax claims and municipal  
54 12 claims divested by the judicial sale in accordance with the  
55 13 order of court authorizing such sale.  
56 14 Any person interested may, at any time before the sale, pay  
57 15 the petitioner the whole of his claim, with interest, costs,

16 charges, expenses, fees and attorney fees, whereupon the  
17 proceedings on petition shall at once determine.

18 For the purpose of enabling the petitioner in any such  
19 proceedings to give the notice required, he may take the  
20 testimony of the defendant in the claim, or of any other  
person

21 whom he may have reason to believe has knowledge of the  
22 whereabouts of any of the parties respondent, either by  
23 deposition, commission, or letters rogatory.

24 Any municipality, being a claimant, shall have the right, and  
25 is hereby empowered, to bid and become the purchaser of the  
26 property at such sale; and while the said property, so  
27 purchased, is held and owned by any county, city, borough,  
28 incorporated town, township, school district or a body  
politic

29 and corporate created as a municipal authority pursuant to  
law,

30 it shall not be subject to tax claims, unless it be redeemed  
by

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1 the former owner or other person having the right to redeem,  
as

2 provided by law. If, however, a municipality shall become the  
3 purchaser at said sale, the former owner or other person,  
4 desiring to redeem, shall pay all taxes and municipal claims  
5 accrued and chargeable against the property prior to the sale  
6 thereof, together with the costs and interest thereon, and  
also

7 all taxes and claims, whether filed or not, which would have  
8 accrued and become chargeable against the property had the  
same

9 been purchased at the sale by some party other than the  
10 municipality.

11 Upon the delivery by the sheriff of a deed for any property  
12 sold under a tax or municipal claim, the judgment upon which  
13 such sale was had shall thereupon and forever thereafter be  
14 final and conclusive as to all matters of defense which could  
15 have been raised in the proceeding, including payment, and no  
16 error or irregularity in obtaining or entering of such  
judgment

17 shall effect the validity thereof.

18 Section 7. Section 39.2 of the act, amended February 7, 1996  
19 (P.L.1, No.1) and August 14, 2003 (P.L.83, No.20), is amended  
to

20 read:

21 Section 39.2. (a) In cities of the first class, notice of a  
22 rule to show cause why a property should not be sold free and



23 clear of all encumbrances issued by a court pursuant to a  
24 petition filed by a claimant under section 31.2 of this act  
25 shall be served by the claimant upon owners, mortgagees,  
holders  
26 of ground rents, liens and charges or estates of whatsoever  
kind  
27 as follows:  
28 (1) By posting a true and correct copy of the petition and  
29 rule on the most public part of the property;  
30 (2) By mailing by first class mail to the address registered  
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1 by any interested party pursuant to section 39.1 of this act a  
2 true and correct copy of the petition and rule; and  
3 (3) By reviewing a title search, title insurance policy or  
4 tax information certificate that identifies interested parties  
5 of record who have not registered their addresses pursuant to  
6 section 39.1 of this act, the city shall mail by first class  
7 mail and either by certified mail, return receipt requested,  
or  
8 by registered mail to such addresses as appear on the  
respective  
9 records relating to the premises a true and correct copy of  
the  
10 petition and rule.  
11 Service of notice pursuant to this section shall be deemed  
12 accomplished on the date of mailing. The city shall file an  
13 affidavit of service with the court prior to seeking a decree  
14 ordering the sale of the premises.  
15 (a.1) In counties of the second class and municipalities  
16 therein, notice of a rule to show cause why a property should  
17 not be sold free and clear of all liens and encumbrances  
issued  
18 by a court pursuant to a petition filed by a claimant under  
19 sections [28] 3\_1\_ and 31.1 of this act shall be served by  
the  
20 claimant upon owners, mortgagees, holders of ground rents,  
liens  
21 and charges or estates of whatsoever kind as follows:  
22 (1) By posting a true and correct copy of the petition and  
23 rule on the most public part of the property.  
24 (2) By reviewing a title search, title insurance policy or  
25 tax information certificate that identifies interested  
parties  
26 of record, the [county or]municipality shall mail by first  
class  
27 mail and either by certified mail, return receipt requested,  
or

28 by certificate of mailing to such addresses as appear on the  
29 respective records relating to the premises a true and  
correct

30 copy of the petition and rule. Notice pursuant to this  
section

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1 shall be deemed accomplished on the date of mailing. The  
[county

2 or] municipality shall file an affidavit of service with the  
3 court prior to seeking a decree ordering the sale of the  
4 premises[.] which shall include a  
list of those persons or  
5 entities whose notification  
under this section was returned  
by

6 the post office as  
undeliverable.

7 (a.2) Except in cities of the  
first class, counties of the  
8 second class and municipalities  
located in counties of the  
9 second class, notice of a rule  
to show cause why a property  
10 should not be sold free and  
clear of all liens and  
encumbrances

11 issued by a court pursuant to  
a petition filed by a claimant  
12 under section 31 shall be  
served by the claimant upon  
owners,

13 mortgagees, holders of ground  
rents, liens and charges or  
14 estates of whatsoever kind as  
follows:

15 (1) By posting a true and  
correct copy of the petition  
and

16 rule on the most public part  
of the property.

17 (2) By reviewing a title  
search, title insurance policy  
or

18 tax information certificate  
that identifies interested  
parties

19 of record, the municipality  
shall mail by first class mail  
and  
20 either by certified mail,  
return receipt requested, or by  
21 certificate of mailing to such  
addresses as appear on the  
22 respective records relating to  
the premises a true and correct  
23 copy of the petition and rule.  
Notice pursuant to this  
24 subsection shall be deemed  
accomplished on the date of  
mailing.  
25 The municipality shall file an  
affidavit of service with the  
26 court prior to seeking a  
decree ordering the sale of the  
27 premises which shall include a  
list of those persons or  
entities  
28 whose notification under this  
section was returned by the  
post  
29 office as undeliverable.  
30 (b) No party whose interest did not appear on a title  
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1 search, title insurance policy or tax information certificate  
or  
2 who failed to accurately register his interest and address  
3 pursuant to section 39.1 of this act shall have standing to  
4 complain of improper notice if the city shall have complied  
with  
5 subsection (a) of this section. This provision shall not apply  
6 if the mortgage or interest was otherwise properly recorded in  
7 the Office of the Recorder of Deeds and the document contains  
a  
8 current address sufficient to satisfy the notice requirements  
of  
9 this section. Notwithstanding any other requirement set forth  
in  
10 this act or any other law to the contrary, the notice  
required  
11 by subsection (a) of this section shall constitute the only  
12 notice required before a court may enter a decree ordering a  
tax  
13 sale.

14 (b.1) No party whose interest did not appear on a title  
15 search or title insurance policy, because of the party's  
failure  
16 to record or properly record its interest, shall have  
standing  
17 to complain of improper notice if the county or municipality  
18 shall have complied with subsection (a.1). This provision  
shall  
19 not apply if the mortgage or interest was otherwise properly  
20 recorded in the Office of the Recorder of Deeds and the  
document  
21 contains a current address sufficient to satisfy the notice  
22 requirements of this section. Notwithstanding any other  
23 requirement set forth by subsection (a.1), notice thereunder  
24 shall constitute the only notice required before a court may  
25 enter a decree ordering a tax sale free and clear of liens.  
26 (b.2) If the municipality  
shall have complied with  
27 subsection (a.2), no party  
whose interest did not appear  
on a  
28 title search or title  
insurance policy because of the  
party's  
29 failure to record or properly  
record its interest shall have  
30 standing to complain of  
improper notice. This provision  
shall  
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1 not apply if the mortgage or  
interest was otherwise properly  
2 recorded in the Office of the  
Recorder of Deeds and the  
document  
3 contains a current address  
sufficient to satisfy the  
notice  
4 requirements of this section.  
Notwithstanding any other  
5 requirement of subsection  
(a.2), notice thereunder shall  
6 constitute the only notice  
required before a court may  
enter a  
7 decree ordering a tax sale free  
and clear of liens.

8 (c) Notice of the court's decree ordering a tax sale,  
9 together with the time, place and date of the sale, shall be  
10 served by first class mail on all parties served with the  
11 petition and rule, on any parties whose interest appeared of  
12 record after the filing of the petition but before the  
court's  
13 decree and on any creditor who has obtained judgment against  
the  
14 owner of the premises prior to the date of the decree. The  
city  
15 shall file an affidavit of service of these notices prior to  
the  
16 date of the sale.

17 (d) Except in cities of the first class, in sales pursuant  
18 to a petition filed by a claimant under section 3\_1\_ \_o\_r\_  
31.1,  
19 notice of the court's decree ordering a tax sale, together  
with  
20 the time, place and date of the sale, shall be served along  
with  
21 the notice of sheriff's sale and shall be provided to all  
22 parties entitled to receive notice pursuant to Pa.R.C.P.  
23 No.3129.1 (relating to sale of real property; notice;  
24 affidavit).

25 (e) Except in cities of the first class, in sales pursuant  
26 to a petition filed by a claimant under section 28 o\_r\_  
\_3\_1\_, notice  
27 of the court's decree ordering a sale, together with the  
time,  
28 place and date of the sale, shall be served by first class  
mail  
29 upon all parties who receive notice pursuant to Pa.R.C.P.  
30 No.3129.1 prior to the initial sale. Notice under this  
section  
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1 shall be provided no later than seven days prior to the  
2 continued sale.

3 Section 8. The act is amended by adding sections to read:  
4 S\_e\_c\_t\_i\_o\_n\_4\_2.\_ \_N\_o\_t\_w\_i\_t\_h\_s\_t\_a\_n\_d\_i\_n\_g\_  
\_a\_n\_y\_ \_o\_t\_h\_e\_r\_ \_p\_r\_o\_v\_i\_s\_i\_o\_n\_ \_o\_f\_ \_l\_a\_w\_, \_a\_n\_y\_  
5 t\_a\_x\_i\_n\_g\_ d\_i\_s\_t\_r\_i\_c\_t\_ i\_n\_ t\_h\_i\_s\_  
\_C\_o\_m\_m\_o\_n\_w\_e\_a\_l\_t\_h\_ \_m\_a\_y\_ \_a\_d\_o\_p\_t\_ \_a\_  
\_r\_e\_s\_o\_l\_u\_t\_i\_o\_n\_ \_t\_o\_  
6 c\_o\_l\_l\_e\_c\_t\_ \_t\_a\_x\_e\_s\_ \_u\_n\_d\_e\_r\_ \_t\_h\_i\_s\_ \_a\_c\_t\_  
\_e\_x\_c\_l\_u\_s\_i\_v\_e\_l\_y\_ \_a\_n\_d\_ \_i\_n\_d\_e\_p\_e\_n\_d\_e\_n\_t\_l\_y\_  
\_o\_f\_

7 any other statute governing the  
8 collection of taxes, including  
9 the act of July 7, 1947  
10 (P.L. 1368, No. 542), known as  
11 the "Real Estate Tax Sale Law," and  
12 independent of any county tax  
13 claim bureau. Any taxing district  
14 which adopts a resolution to  
15 collect taxes under this section shall  
16 not be required to comply with  
17 any of the procedures or  
18 provisions of the "Real Estate  
19 Tax Sale Law," including the obligation  
20 to make annual returns to any  
21 county tax claim bureau.  
22 HOWEVER, IF THE COUNTY  
23 COMMISSIONERS OF <  
24 A COUNTY WITH A TAX CLAIM  
25 BUREAU HAVE ENACTED LEGISLATION  
26 FOR  
27 THE BENEFIT OF TAXPAYERS  
28 PURSUANT TO SECTION 502.1 OR  
29 504 OF THE  
30 "REAL ESTATE TAX SALE LAW," A  
31 TAXING DISTRICT LOCATED IN THAT  
32 COUNTY THAT ADOPTS A  
33 RESOLUTION PURSUANT TO THIS  
34 SECTION SHALL  
35 BE REQUIRED TO OFFER TAXPAYERS  
36 BENEFITS EQUAL TO OR EXCEEDING  
37 THOSE AUTHORIZED BY THE COUNTY  
38 COMMISSIONERS UNDER SECTION  
39 502.1  
40 OR 504 OF THE "REAL ESTATE TAX  
41 SALE LAW." For the purposes of  
42 this section, the term "taxing  
43 district" shall have the same  
44 meaning as given to it under  
45 section 102 of the "Real Estate  
46 Tax  
47 Sale Law."  
48 Section 43. If any provision  
49 of this act or its application

26 to any person or circumstance  
is held invalid or  
unenforceable,  
27 the remainder of this act or  
the application of the  
provisions  
28 to other persons or  
circumstances shall not be  
affected.

29 Section 9. This act shall apply as follows:

30 (1) The amendment of section 3 of the act shall apply  
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1 retroactively to January 1, 2005.

2 (2) The amendment of section 26 of the act shall apply  
3 retroactively to January 1, 2005.

4 (3) The addition of section 42 of the act shall apply  
5 retroactively to January 1, 2005.

6 Section 10. This act shall take effect as follows:

7 (1) This section shall take effect immediately.

8 (2) The following provisions shall take effect January  
9 1, 2009:

10 (i) The amendment of section 26 of the act.

11 (ii) Section 9(2) of this act.

12 (3) The remainder of this act shall take effect in 60  
13 days.

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RESOLUTION NO. \_\_\_\_\_-2008

**CONFIRMING THE APPOINTMENT OF RYAN P. HOTTENSTEIN AS ACTING  
MANAGING DIRECTOR FOR THE CITY OF READING.**

**WHEREAS**, Mayor Thomas M. McMahon appoints Ryan P. Hottenstein as the Acting Managing Director for the City of Reading; and

**WHEREAS**, Mayor Thomas M. McMahon requests that City Council confirm Ryan P. Hottenstein as Acting Finance Director for the City of Reading.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY  
RESOLVES AS FOLLOWS:**

The appointment of Ryan P. Hottenstein as Acting Managing Director is confirmed effective March 28, 2008.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk



RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Dale Gresh is appointed to the Shade Tree Commission, to fill  
the unexpired term of Sandra Stief, with a term ending August 31, 2009.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That O. Christopher Miller is reappointed to the Historical  
Architectural Review Board with a term ending March 24, 2013.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Laura James is reappointed to the Historical Architectural  
Review Board with a term ending March 24, 2013.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk